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SOUTHEAST ALASKA FEDERAL SUBSISTENCE
REGIONAL COUNCIL MEETING

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VOLUME I

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11 Westmark Shee Atika

12 Sitka, Alaska

13 March 22, 2001

14 1:00 o'clock p.m.

15

16

17 COUNCIL MEMBERS PRESENT:

18

19 William Thomas, Chairman

20 Lonnie Anderson

21 Bert Adams

22 Dolly Garza

23 Floyd Kookesh

24 Butch Laiti

25 John Littlefield

26 Patricia Phillips

27 Richard Stokes

28 Marilyn Wilson

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30 Fred Clark, Regional Coordinator

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P R O C E E D I N G S

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CHAIRMAN THOMAS: Okay, in order to start our meeting, I want to ask Dick Stokes to start our meeting with an invocation, if you would, please, Dick? I never gave him a warning, but if you would, please.

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MR. STOKES: Okay. May we all rise please.

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Heavenly father, we count it a privilege to ask thy presence with us this afternoon. And as we go about the business that we have before us, we pray that you give us the wisdom and the knowledge to make the right decisions. We thank you for all the things that you are going to do for us. And we ask this in the name that is above all names, the Lord Jesus Christ. Amen.

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CHAIRMAN THOMAS: Amen. Thank you, Dick. That might have seemed a bit unusual for some of you but within tribal country, it's a practice to begin our meetings like that and so just bear with us. We got other things that you haven't seen before coming up.

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Well, I want to welcome all of you. And you guys all look like a lively bunch of participants. I learned something from the facilitator this morning, I don't have any balloons -- you got any balloons left? No, okay.

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Before we get started, I've been wanting to do this for a long time and that's to recognize Herman Kitka. Herman was on our Council from the start and he provided us with the benefits of him being an elder, a knowledgeable elder, a gentleman and he contributed. I can't tell you his contributions have enhanced the performance of our Advisory Council. He's had some tough times of his own, but he took time to find himself to be with us and I'd like us all to give Herman a round of applause to show him our appreciation.

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Herman, (In Native).

(Applause)

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CHAIRMAN THOMAS: Thank you very much. That was just a little tiny acknowledgement for the wealth that Herman has brought to this process. And there's some faces I haven't seen and we're going to take a little while to do self-introductions. Give us your name and tell us

50 who you represent, where you're from and that kind of

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1 thing. If you got any more intimate information you want
2 to share we'll listen to that, too. So we'll start with
3 our table with Mr. Littlefield and work this way.

4
5 MR. LITTLEFIELD: Thank you, Mr. Chairman.
6 My name is John Littlefield. I'm a life-long Sitka
7 resident, born and raised here. I'm one of the newest
8 members on the Council. Hydaburg was my first meeting.
9 I'm a subsistence user. I have a commercial troll license
10 which I haven't used in two years and I've halibut fished
11 and done just about all the fisheries that are in the
12 Southeast area but my predominate usage of the resources
13 right now is subsistence.

14
15 CHAIRMAN THOMAS: Thank you. Butch.

16
17 MR. LAITI: Butch Laiti. I'm from Juneau.
18 I've been a commercial gillnetter for 30 years and I
19 represent the Douglas Indian Association. Next to John I'm
20 the second youngest on here and I'm learning to. Thank
21 you.

22
23 CHAIRMAN THOMAS: Thank you. Marilyn.

24
25 MS. WILSON: I'm Marilyn Wilson from
26 Haines, Alaska. I've been on this Council since the
27 beginning of this Council and sometimes it seems like a
28 long time but -- that's all.

29
30 MR. ADAMS: My name is Bert Adams, Sr., I
31 am from Yakutat. I'm a commercial fishermen, subsistence
32 user, charter boat captain; you name it, I've done it. And
33 it's good to be here and I'm happy to see so many people in
34 the audience today. Welcome.

35
36 MR. STOKES: Hi. My name is Dick Stokes.
37 I'm from Wrangell and I was born and raised in the
38 subsistence way of life. And I continue to do this,
39 teaching my grandchildren and they seem to enjoy it. Thank
40 you.

41
42 CHAIRMAN THOMAS: My name is Bill Thomas.
43 I'm from Ketchikan, born and raised in Craig. Don't hunt.
44 Don't fish. Can't shoot. Can't catch anything. So I just
45 preside over meetings.

46
47 MR. KOOKESH: For those of you who don't
48 know me my name is Floyd Kookesh, I'm from Angoon. I also
49 have the honor of being the Mayor of Angoon. I'm a charter

50 vessel operator. I'm also an IFQ fishermen and a

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1 subsistence deer hunter and salmon fisherman. Thank you.

2

3 MR. ANDERSON: I'm Lonnie Anderson. I
4 lived in Hoonah and I've called Kake my home for the last
5 36 years, commercial troller, just a subsistence user.
6 Also the Mayor for the last 18 years in Kake. Thank you.

7

8 MS. PHILLIPS: I'm Patty Phillips. I was
9 born at Mt. Edgecumbe Hospital. Been in Pelican 28 years.
10 We have a commercial fishing business. I'm on the city
11 council. And expanding a little bit into the charter
12 industry.

13

14 CHAIRMAN THOMAS: Fred.

15

16 MR. CLARK: It's my honor and privilege to
17 be the coordinator for this Council as well as the Staff
18 anthropologist for the Forest Service for the subsistence
19 program. I've been with the Council now for six years and
20 it's just a great and wonderful thing to work with these
21 folks.

22

23 MR. JOHNSON: My name is Dave Johnson and
24 I'm the subsistence coordinator for the Tongass National
25 Forest and I live in Craig, Alaska and have been there 15
26 years.

27

28 MR. CASIPIT: My name is Cal Casipit. I'm
29 the subsistence staff fisheries biologist for the Forest
30 Service. I am also the fisheries biologist for this
31 Council. I've been in Alaska since 1980.

32

33 MR. LAWSON: My name is Nels Lawson. I'm a
34 Kaagwantan. I live in Sitka. I'm a subsistence user. And
35 I'm employed by the Forest Service.

36

37 CHAIRMAN THOMAS: (In Native)

38

39 MR. KITKA: My name is Herman Kitka.
40 Tlinget name (Native), Leader of the Kaagwantan here in
41 Sitka.

42

43 CHAIRMAN THOMAS: Herman, thank you.

44

45 MR. USTASIEWSKI: I'm Jim Ustasiewski with
46 the US Department of Agriculture, Office of the General
47 Counsel in Juneau.

48

49 CHAIRMAN THOMAS: Thank you.

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1 MR. SALINAS: Thank you, Mr. Chairman. My
2 name is Fred Salinas. I'm the Assistant Forest Supervisor
3 of the Tongass and I'm right here in Sitka. I've been here
4 two years, going on three. I do want to take this moment
5 to thank all of you for the work that you do on this
6 Advisory Council. I truly believe this is probably one of
7 the most important jobs that's done and the commitment that
8 all you folks show to do it, I think is very admirable.
9 It's not an easy job, just looking at the agenda and you're
10 always in the news -- some issue of subsistence is always
11 there. And I have to admit that after two, two and a half
12 years I'm still learning a lot about subsistence, a lot I
13 don't know. So I just want to thank you for what you do
14 and also welcome you to Sitka and welcome you on behalf of
15 the Tongass National Forest. Thank you very much.

16
17 CHAIRMAN THOMAS: Thank you. Wini.

18
19 MS. KESSLER: Thank you. I'm Wini Kessler.
20 I'm Regional Director for the Forest Service. I live in
21 Juneau. My areas of responsibility as a director include
22 wildlife, fisheries, ecology, watershed and subsistence
23 management.

24
25 MR. SKULKA: My name is Robert Skulka. I'm
26 a second year apprentice in pile-driving. That's my auntie
27 over there, Marilyn Wilson. Hi, Auntie. Those of you
28 might know me by Inkspot. Glad to be here.

29
30 CHAIRMAN THOMAS: Thank you.

31
32 MS. HILDEBRAND: Thank you, Mr. Chair. Ida
33 Hildebrand, BIA Staff Committee member.

34
35 CHAIRMAN THOMAS: Thank you.

36
37 MR. SCHROEDER: Bob Schroeder. I work with
38 the Juneau Forestry Sciences Lab and undertake subsistence
39 research in connection with Council priorities over the
40 last 10 years or so.

41
42 CHAIRMAN THOMAS: Okay.

43
44 MR. BOS: Mr. Chairman, my name is Greg
45 Bos. I'm the Fish and Wildlife Service Staff Committee
46 member.

47
48 CHAIRMAN THOMAS: Thank you. Judy.

49

MS. GOTTLIEB: I'm Judy Gottlieb. I'm with

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1 the National Park Service and I'm on the Federal
2 Subsistence Board. Mr. Chairman, if I might say just a
3 couple of words. When I met the Chairman a couple of years
4 ago at the Federal Subsistence Board meeting, I could not
5 help be impressed by his eloquence, knowledge and presence
6 and have been very anxious to come to a meeting that Bill
7 ran just to see how it's really done. So I appreciate your
8 invitation here and your hospitality.

9
10 I have a couple of things for you, one of
11 which, I thought you needed but I don't think you really
12 need because it looks like you found it again, and that's,
13 I heard you lost your gavel so here's another gavel, not
14 that you need anything to run the meeting. And then a map
15 in case some questions come up.

16
17 CHAIRMAN THOMAS: Thank you. Thank you.

18
19 (Applause)

20
21 MR. CLARK: Now, he can play the drums.

22
23 CHAIRMAN THOMAS: Thank you very much.

24
25 MR. VanALEN: I'm Ben VanAlen.

26
27 CHAIRMAN THOMAS: You got a gift for the
28 Chairman?

29
30 (Laughter)

31
32 MR. VanALEN: I work for Fish and Game, my
33 name is Ben VanAlen. I'm involved with salmon stock
34 assessment throughout the region here. Starting next month
35 I'll be employed by the Forest Service in Yakutat, Juneau,
36 Admiralty Ranger District will be kind of my involvement
37 with the Federal subsistence biologists.

38
39 CHAIRMAN THOMAS: Thank you.

40
41 MS. CONITZ: I'm Jan Conitz. I'm from
42 Juneau and have been there since 1976 and I work for Alaska
43 Department of Fish and Game. I just started this fall to
44 work on some of these sockeye stock assessment projects
45 that have been funded through the Federal subsistence
46 process.

47
48 CHAIRMAN THOMAS: Okay, we're going to get
49 intimate with you.

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1 (Laughter)

2

3 MS. McKINLEY: Mr. Chairman, Diane McKinley.
4 I'm a part-time employee with the National Park Service in
5 Anchorage. I come from Juneau and I worked with Judy over
6 there.

7

8 CHAIRMAN THOMAS: Thank you.

9

10 MR. GAUTHEIR: Hi, I'm Gary Gautheir. I'm
11 Superintendent of the Sitka National Historical Park here
12 and on behalf of the Park Service I'd like to join all
13 Sitkans in welcoming the Council here to Sitka, a city rich
14 in culture, history and beauty and basketball. I think
15 it's pretty appropriate that the Council is here with the
16 coming of the herring and the coming of spring; it's a very
17 important time for traditional subsistence users here. I
18 don't know how Chairman Thomas got the herring here at the
19 same time he arrived but I commend you for doing that. I'm
20 hoping that the Council members will join Park Staff and
21 our partners, the Southeast Alaska Indian Cultural Center
22 in a walk through the Park tomorrow around lunch time or
23 whenever you guys have time. Welcome.

24

25 CHAIRMAN THOMAS: Is that where the saying
26 came, it's just a walk in the Park?

27

28 (Laughter)

29

30 MR. GAUTHEIR: Yep.

31

32 MR. LaPLANT: Thank you, Mr. Chairman. My
33 name is Dan LaPlant. I'm with the US Fish and Wildlife
34 Service, Office of Subsistence Management in Anchorage.

35

36 MR. JACK: Mr. Chairman, my name is (In
37 Native), Eskimo name. English name is Carl Jack. I
38 remember the Chairman there at one time tried to remember
39 the real meaning of my Eskimo name and he kept saying,
40 always hungry, so I finally told him that literally my
41 Eskimo name is; person that will never get rich.

42

43 Anyway, I was recently hired as a Native
44 liaison to enhance the communications between the Office of
45 Subsistence Management and the Alaska Native Tribes and I'm
46 working out of the Anchorage office.

47

48 CHAIRMAN THOMAS: Thank you. But when they
49 named you they didn't know you'd be working for the

50 government, so you're rich now.

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1 (Laughter)

2
3 CHAIRMAN THOMAS: Okay.

4
5 MR. DAVIDSON: I'm Matthew Davidson. I'm
6 with the Southeast Alaska Conservation Council out of
7 Juneau and this is my first meeting.

8
9 CHAIRMAN THOMAS: Welcome. Thank you.

10
11 MR. SUMINSKI: My name is Terry Suminski.
12 I work with the Forest Service as a subsistence fisheries
13 biologist for the Sitka and Hoonah Ranger District and am
14 stationed here in Sitka.

15
16 CHAIRMAN THOMAS: Thank you.

17
18 MR. BROOKOVER: I'm Tom Brookover. I live
19 here in Sitka also. I work for the Department of Fish and
20 Game like Ben and Jan. I am the regional management
21 coordinator for Sportfish Division and oversee management
22 of sportfisheries in Southeast.

23
24 CHAIRMAN THOMAS: Thank you.

25
26 MS. CRAIG: My name is Robbie Craig and I
27 work for the Sitka Tribe of Alaska.

28
29 CHAIRMAN THOMAS: Thank you.

30
31 MR. JACOBS: I'm Mark Jacobs, Jr. Central
32 Council for several years. I've always campaigned for
33 subsistence protection. I just got my gumboots and I'll be
34 protecting subsistence you bet your gumboots.

35
36 (Laughter)

37
38 MR. HOPE: Mr. Chairman. My Tlinget name
39 is JaX-AiK. I am (In Native) from Wrangell. It's good to
40 see Dick Stokes here, though, I haven't been to Wrangell I
41 think for about a year. We are Eagle Wolf (In Native),
42 killer whale, as well as the brown bear emblem and I come
43 from the Red Clay House. On my father's side known as (In
44 Native) and they are raven as well as the frog emblem and
45 come from the Point House here in Sitka. And I also am
46 Kaagwantan (In Native).

47
48 My English name is Gerry Hope, with a G. I
49 am elected treasurer on the tribal council for Sitka Tribe

50 of Alaska. I look forward to giving some testimony as you

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1 go through your process today and tomorrow. I'm also
2 elected first vice president of Alaska Brotherhood Grand
3 Camp and also sit on the Tlinget-Haida Community Council
4 here in Sitka.

5
6 While I don't have nearly as good of gifts
7 as Judy has given you, Mr. Chairman, I would like to offer
8 you, as well, as the rest of your board to come to a
9 reception that you're probably aware of that Sitka Tribe of
10 Alaska is going to host as well as those who are here to
11 the Community House, 6:30 Friday evening. And we'd love to
12 get you some food and look forward to your stay here in
13 Sitka.

14
15 CHAIRMAN THOMAS: Thank you. For the
16 recorder, could you spell your Indian name.

17
18 REPORTER: I'll get it.

19
20 MR. HOPE: Yeah. I'll give you a card.

21
22 MS. JACOBSON: Thank you, Mr. Chairman.
23 I'm Sheila Jacobson. I'm a fisheries biologist for the
24 Forest Service here in Sitka and I've been here 12 years. I
25 am a subsistence user and I appreciate the efforts of the
26 Board.

27
28 CHAIRMAN THOMAS: Nice to see you. I met
29 you on an airplane a month ago.

30
31 MS. JACOBSON: Right.

32
33 CHAIRMAN THOMAS: So we've been friends
34 since time and memorial.

35
36 (Laughter)

37
38 MR. MILLER: I'm John Miller, 40 year
39 resident. I'm just here. I don't know why but I just
40 wanted to listen.

41
42 CHAIRMAN THOMAS: Well, that's important.
43 Thank you.

44
45 MR. MILLER: You bet.

46
47 MS. WOODS: Thank you, Mr. Chairman. My
48 name is Teresa Woods. I'm the area manager for the US Fish
49 and Wildlife Service office that covers Southeast Alaska.

50 I, too, am here to listen and learn. Thank you.

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1 MR. COPELAN: I'm Dave Copelan with the US
2 Forest Service, Law Enforcement Investigation. I'm a
3 patrol captain for the Central Zone of Alaska stationed
4 here in Sitka.

5
6 MR. HERRICK: Good afternoon. I'm John
7 Herrick. I'm the Special Agent in charge for the Forest
8 Service for the Alaska Region. I'm new to Alaska. We've
9 been here since October. I'm here to learn as much as I
10 can and also to offer a firm commitment from law
11 enforcement staff for the Forest Service that we are here
12 to help protect and conserve the subsistence resource for
13 everyone. Thanks.

14
15 MR. LEWIS: Thank you, Mr. Chairman. My
16 name is Bert Lewis. I'm a new hire with Alaska Department
17 of Fish and Game and I'm a fisheries biologist working on
18 sockeye salmon stock assessments.

19
20 CHAIRMAN THOMAS: Thank you.

21
22 MS. CARTWRIGHT: Thank you, Mr. Chairman,
23 members of the Council. My name is Meg Cartwright and I
24 work for the Alaska Department of Fish and Game as a
25 subsistence biologist.

26
27 CHAIRMAN THOMAS: Thank you.

28
29 MR. LORRIGAN: Mr. Chairman, Council.
30 Welcome to Sitka. I'm Jack Lorrigan. I'm the biologist
31 for the Sitka Tribe. And I just wanted to remind you that
32 we have a dinner for you tomorrow night at 6:30 at the
33 Community House. I hope you all are there.

34
35 CHAIRMAN THOMAS: Thank you, Jack.

36
37 MR. SHIPLEY: Mr. Chairman, Council. I'm
38 Linn Shipley, the wildlife program manager for the Tongass
39 National Forest.

40
41 CHAIRMAN THOMAS: Okay. I have a bone to
42 pick with the responsible leadership in Sitka. Every year,
43 without fail, you have the best salmon spawn known to man,
44 so when we're deciding where we're going to have this
45 meeting, John, says, ah, and Dolly, ah, yeah, we're going
46 to have so many eggs you can't shake a stick at them so we
47 started watering at the mouth as soon as they said that.
48 And we've been looking forward to this with anticipation,
49 we can't describe to get here, and what did we find, cold

50 water, herring, but it's going to be good, uh? Okay, the

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1 good part's still intact.

2

3 Dolly, everybody introduced themselves
4 while you were gone, if you'd like to take this
5 opportunity, please.

6

7 MS. GARZA: Thank you, Mr. Chairman. You
8 kind of caught me off guard a little earlier. My name is
9 (In Native). I'm Haida. I'm eagle, frog and my family
10 originally came from Hawcan and from Canada before that.
11 On my father's side I'm (In Native). My father was Harvey
12 Demert from Klawock. I'm the vice chairman here. And I
13 lived in Sitka for 14-plus years, just barely long enough
14 to be considered a local. When they stopped inviting me as
15 a party guest and started putting me to work then I knew
16 that I was in. I left Sitka last year and it was quite a
17 hard time for me to leave because Sitka had become my home.
18 I much appreciated moving to Ketchikan where my mother and
19 my family live, but I had such a hard time leaving Sitka
20 because it's such a beautiful community and it's such a
21 strong culture. I want to let you all know that I miss you
22 very, very much.

23

24 I also look to Sitka Tribe as just a real
25 leader in terms of fighting for subsistence rights. If you
26 look at other communities, I don't think that any other
27 community has such a strong effort and, in part, it could
28 because Sitka is right on that edge where they could be
29 rural and they could be urban and so they're always on
30 guard and it keeps them working strong. But I would like
31 to commend Sitka Tribe for that, commend ANB and ANF for
32 that. Comment Tlinget-Haida Central Council who has also
33 put their efforts in toward it.

34

35 Mr. Chairman, I walked out of this room
36 because you had started talking about wanting to give
37 Herman special recognition for the years of service that he
38 has given us and I had a special presentation but you
39 caught me off guard. And if it's okay, I would like to
40 make that now.

41

42 CHAIRMAN THOMAS: That would be wonderful.
43 And my apology for catching you off guard, but I will do it
44 every time I get a chance.

45

46 MS. GARZA: Okay. It's hard to say who you
47 learn the most from and there are so many people in Sitka
48 that you can learn from. But Herman was a very important
49 person on this Council. I wasn't here since the beginning

50 and some of you know far better than I do how important he

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1 was in terms of fighting for fisheries. And I remember
2 thinking about how futile it seemed at times but Herman
3 never stopped; at Sitka Tribe meetings, at ANB meetings, he
4 never thought that we should stop fighting for it and I
5 think that's something that Herman instilled in me because
6 Sitka Tribe would march me on and say, okay, now, we have
7 to go for seaweeds; now, we have to go for plants; now, we
8 have to do other things, and I was kind of on a soapbox for
9 a couple years and I'm sure you guys got tired of me; it's
10 like it was plants, it was seaweeds, we have to get this.
11 But that was because of Herman and what he had taught me.

12
13 And I wanted to thank you so much, Herman,
14 for that, just allowing me to learn by watching you and
15 watching how important you worked toward subsistence. I
16 have a bag here that I -- I'm a raven's tail apprentice
17 weaver with Teri Rofkar who is from the Snail House people
18 out of Hoonah and originally from Alsek area. Teri lives
19 here and has been gracious enough to teach me raven's tail
20 weaving. This is a bag that I made, I think, last year.
21 Because I am Haida I did not feel that I had to follow the
22 traditional Tlinget protocol for raven's tail weaving and
23 so what I wove was something that represented Haida
24 basketry. So this here is the four bands that you would
25 find in a typical Haida basket but I call it the four
26 seasons. This top design is spring, that's the celeries,
27 when we go out and we get wild celery and wild greens. The
28 next design here is called fish-flake, and that's where
29 when we go in the summer and we start getting our halibut
30 and our salmon. The next one down is called strawberry, so
31 it's in the fall when we start getting our berries. And
32 the bottom one is a cockle design.

33
34 So I want to give this to Herman on behalf
35 of our Council, to thank him for keeping us strong toward
36 protecting subsistence.

37
38 (Applause)

39
40 MR. KITKA: (In Native), in other words,
41 that means thank you to all of you. I never thought I'd
42 get a wonderful gift like this, I'm very thankful. I
43 didn't think too much of my contribution to the Board but
44 I've done the best I could when I served on there. So
45 thank you all.

46
47 CHAIRMAN THOMAS: (In Native)

48
49 (Applause)

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1 CHAIRMAN THOMAS: I want to thank Dolly for
2 her detail and eloquence to occasions like this. It's
3 performances like that that make our Council and our region
4 be recognized. Dolly, that was really wonderful and thank
5 you very much. Let's give Dolly a hand, uh.

6
7 (Applause)

8
9 CHAIRMAN THOMAS: I see Marty was let out
10 of jail. We had introductions earlier, Marty, so tell us
11 who Marty is.

12
13 MR. MEYERS: My name is Marty Meyers. I'm
14 a Special Agent with US Forest Service.

15
16 CHAIRMAN THOMAS: And your accomplice.

17
18 MR. KAHLER: My name is Greg Kahler. I'm
19 the Forest Service law enforcement officer here in Sitka.

20
21 CHAIRMAN THOMAS: Just when I thought we
22 were doing good, here we have people contributing, using
23 subsistence, paying attention to detail and then the law
24 walks in.

25
26 (Laughter)

27
28 MR. KAHLER: We're here to help you.

29
30 CHAIRMAN THOMAS: We know that and we
31 appreciate that. And we really welcome everybody that's
32 here. This gives us a focus of a good program on a
33 statewide level. We have all the players here. We're
34 starting to see good results of what's happened. We're
35 doing things now in our careers that we thought we would
36 never do. Nobody thought they would do it. But probably
37 the relationship and the community in Alaska makes it much
38 easier for State agencies and Federal agencies, citizens
39 and all groups to find ways to utilize what we have and the
40 things that we treasure in Alaska for resources. And I
41 know the Council shares with me, our pride in being able to
42 do that. And I want to thank all of you for the
43 contributions that you continue to bring us.

44
45 Now, I have to look at my agenda.

46
47 MR. CLARK: Mr. Chairman.

48
49 CHAIRMAN THOMAS: Fred.

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1 MR. CLARK: While you're looking at your
2 agenda, if I may, I'd like to remind everybody attending
3 the meeting that there's a sign-up sheet outside and it
4 wasn't out there when a lot of people were filing in
5 because we were still trying to get the meeting room set
6 up, but if you could please sign that form it would be very
7 beneficial for us. Thank you, Mr. Chairman.

8
9 CHAIRMAN THOMAS: Thank you, Fred. So what
10 Fred's talking about, if you have any comments to make on
11 the proposals that we're going to be considering, if you'd
12 give those to Fred or anybody at the table and they'll
13 bring it to me and then we'll know who to recognize in an
14 orderly fashion. Appreciate your cooperation.

15
16 Okay, at this time we'll call the meeting
17 to order and Madam Secretary, do you have a roll call?

18
19 MS. WILSON: Mr. Chairman. Bert Adams.

20
21 MR. ADAMS: Present.

22
23 MS. WILSON: Floyd Kookesh.

24
25 MR. KOOKESH: Present.

26
27 MS. WILSON: William C. Thomas, Chair.

28
29 CHAIRMAN THOMAS: Here.

30
31 MS. WILSON: Clarence Butch Laiti.

32
33 MR. LAITI: Here.

34
35 MS. WILSON: Richard Stokes.

36
37 MR. STOKES: Here.

38
39 MS. WILSON: Mary Rudolph.

40
41 CHAIRMAN THOMAS: Excused.

42
43 MS. WILSON: Patricia A. Phillips.

44
45 MS. PHILLIPS: Here.

46
47 MS. WILSON: Michael Douville.

48
49 CHAIRMAN THOMAS: Excused.

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1 MS. WILSON: Lonnie Anderson.

2
3 MR. ANDERSON: Here.

4
5 MS. WILSON: Marilyn Wilson. Here. John
6 Littlefield.

7
8 MR. LITTLEFIELD: Here.

9
10 MS. WILSON: Harold Martin. Dolly Garza.

11
12 MS. GARZA: Here.

13
14 CHAIRMAN THOMAS: That constitutes a quorum
15 Madame Chair?

16
17 MS. WILSON: Mr. Chair, the Secretary -- I
18 say we have a quorum.

19
20 CHAIRMAN THOMAS: Thank you.

21
22 MS. GARZA: Mr. Chairman.

23
24 CHAIRMAN THOMAS: Dolly.

25
26 MS. GARZA: In terms of the excused, I just
27 wanted people to know that Mike Douville has two daughters
28 who are playing up at Anchorage at State, so he had other
29 obligations that were far more pressing than ours and we
30 have to wish his children well.

31
32 CHAIRMAN THOMAS: I was going to tell them
33 he was wolf trapping.

34
35 (Laughter)

36
37 CHAIRMAN THOMAS: Okay. At number 3, we
38 probably covered pretty well with our introductions. But
39 also we have included in that, we should spell it out more
40 clear, Fred, community leaders that wanted to make comments
41 at the meeting with regards to welcoming. We had -- I
42 can't remember your last name, from the Forest Service.....

43
44 MR. SALINAS: Salinas.

45
46 CHAIRMAN THOMAS:Salinas, welcomed us
47 very graciously and we thank him for that. We don't have a
48 Mayor or a -- there's got to be a big shot here some place,
49 small shot?

00016

1 MR. KOOKESH: Nels Lawson.

2
3 CHAIRMAN THOMAS: Nels, welcome us.

4
5 MR. LAWSON: Thank you, Mr. Chairman. On
6 behalf of the community of Sitka, we welcome you to our
7 town. But we especially welcome you here at this very
8 exciting time for us because the herring spawn is imminent.
9 All of us in this community are anxiously standing by our
10 hemlock branches ready to drop them in the appropriate
11 place at the right time. There's been a lot of speculation
12 as to when they will spawn, some of it's been related to
13 the warm winter, the cold weather and a variety of other
14 things but I think probably only the herring know when
15 they're going to spawn and maybe Uncle Herman.

16
17 Thank you. And again, we welcome you to
18 the community of Sitka and hope you enjoy your stay. If
19 there is anything that you or your Council members would
20 require or desire just ask one of us that reside here and
21 we'll do the best we can for you. Thank you.

22
23 CHAIRMAN THOMAS: (In Native), thank you.

24
25 MR. HOPE: Thank you, Mr. Chairman. I
26 would like to follow Mr. Lawson in the welcoming to your
27 Council to Sitka. As an elected officer for the Sitka
28 Tribe of Alaska, I think it's only appropriate that you
29 have some warm words of welcome in your deliberations as
30 you work through them over the next couple of days, through
31 Saturday.

32
33 We are very fortunate to have worked out
34 the time schedule of sunshine for you. I hope that you're
35 able to appreciate it and enjoy it. There is a little bit
36 of wind. It's a little chilly there but we would like to
37 first of all, recognize the effort that your Council has
38 done over the years, the amount of sensitivity that your
39 Council has displayed to the Alaska Native community as
40 well as your Staff. To us, these are really incredibly
41 important, as you know, we go through the struggle with the
42 state of Alaska, and your Council, on the other hand has
43 been understanding to the point of advancing some of our
44 very, very important concerns so we look forward to a
45 positive working relationship with you and your Council, as
46 well as the Staff.

47
48 (In Native) Thank you, Thank you.

49

CHAIRMAN THOMAS: Thank you. Flattery will

00017

1 get you everything. Okay, that looks like it covers it.
2 If they were a true leader they'd be standing up already.

3
4 Let's take a look at the agenda. Any
5 additions or deletions or corrections to the agenda?
6 What's the wish of the Council?

7
8 MS. GARZA: Move to adopt.

9
10 MR. ANDERSON: Mr. Chairman, I second.

11
12 MR. ADAMS: Second.

13
14 CHAIRMAN THOMAS: Moved and seconded to
15 adopt. All those in favor say aye.

16
17 IN UNISON: Aye.

18
19 CHAIRMAN THOMAS: Those opposed.

20
21 (No opposing votes)

22
23 CHAIRMAN THOMAS: Our agenda is adopted.
24 Number 5, overview of Council notebook. Fred.

25
26 MR. CLARK: Thank you, Mr. Chairman. I
27 would like to point out that those of you who do not have
28 notebooks there are a whole stack of them outside the door
29 there so you can have the whole kit and caboodle to work
30 with. The notebook is separated into several tabs and
31 those tabs correspond.....

32
33 CHAIRMAN THOMAS: Fred, excuse me, if
34 there's anybody that doesn't have a notebook but would like
35 one, let's take a couple minutes so that people can get
36 them.

37
38 MR. CLARK: Thank you, Mr. Chairman.

39
40 (Pause)

41
42 CHAIRMAN THOMAS: Where's your notebook?
43 This book.

44
45 MR. KOOKESH: I don't have that one.

46
47 CHAIRMAN THOMAS: Go get one.

48
49 MR. KOOKESH: Do you have those ones?

00018

1 CHAIRMAN THOMAS: Yeah, that's the one he's
2 talking about, yeah.

3
4 (Pause)

5
6 CHAIRMAN THOMAS: Okay, notebook.

7
8 MR. CLARK: The Council notebook, whatever
9 color it is, salmon colored?

10
11 CHAIRMAN THOMAS: Yep.

12
13 MR. CLARK: Is that appropriate?

14
15 CHAIRMAN THOMAS: Yep.

16
17 MR. CLARK: Okay. The tabs in the book
18 follow tab notations on the agenda or at least they're
19 supposed to, I just got mine this afternoon, too. So Tab A
20 is the roster of the Council. Tab B is the minutes of the
21 public meeting that the Council had in Hydaburg. Tab C is
22 the Department of Interior, Alaska Policy on Government to
23 Government relationships with Alaska Native Tribes, and
24 they put that under old business, and I'm not sure if
25 somebody was planning on addressing the Council on that
26 topic or not. I'm looking at Carl Jack to see if that's
27 something he wanted to address.

28
29 MR. JACK: (Nods affirmatively)

30
31 MR. CLARK: I think I got an affirmative
32 nod.

33
34 MR. JACK: Yes.

35
36 MR. CLARK: Okay. And then under Tab D are
37 the analysis, the draft Staff analysis for the proposals,
38 which I'm hoping that we will be able to get through mostly
39 today. Tab E is all the information from the Office of
40 Subsistence Management for any presentations that they have
41 to present to us. Tab F is the proposal form for
42 submitting proposals for changing subsistence fishing
43 regulations, with all the guidelines and deadlines and
44 things of that nature. Tab G is the meeting window for the
45 fall meetings. The Council decided on October 9th, 10th
46 and 11th in Yakutat at Hydaburg, we can revisit that at the
47 end of the meeting.

48
49 That's it, Mr. Chairman.

00019

1 CHAIRMAN THOMAS: Thank you, Fred.
2 Questions regarding the notebook. Thank you very much.

3
4 Review and adopt minutes for Hydaburg
5 meeting. The Chairman entertains a motion.

6
7 MR. LITTLEFIELD: Mr. Chairman, I'll move
8 to adopt.

9
10 MR. ADAMS: So moved.

11
12 CHAIRMAN THOMAS: It's been moved twice.

13
14 MR. LAITI: I'll second.

15
16 MR. ANDERSON: (Nods affirmatively)

17
18 CHAIRMAN THOMAS: Seconded twice.

19 Discussion.

20
21 MS. PHILLIPS: I'd like to make a motion to
22 amend the minutes. On Page 23, there was a minor deletion
23 that I would like to include. On the third paragraph, it
24 states: Patty Phillips asked if the group was also looking
25 at habitat restoration, Mr. Doherty said he thought they
26 would be looking at that, including cataloging sockeye
27 spawning streams and changes on those as a result of land
28 use practices. I had also asked if the temperature of the
29 river and lake had been monitored over the last several
30 years and got a negative response. I wanted to add that
31 into the minutes.

32
33 CHAIRMAN THOMAS: Okay. Did you get that,
34 Salena?

35
36 REPORTER: (Nods affirmatively)

37
38 CHAIRMAN THOMAS: Okay, thank you. There's
39 been an amendment. We'll just note that into the motion.
40 Any further corrections? John.

41
42 MR. LITTLEFIELD: Mr. Chairman, on the
43 first page, persons attending the meeting, I think on
44 organizations they have Tom Mahoney, I believe that is Tom
45 Maloney, from the city of Yakutat; is that correct, Bert?

46
47 MR. ADAMS: (Nods affirmatively)

48
49 CHAIRMAN THOMAS: Is that correct?

00020

1 MS. PHILLIPS: It's Maloney.

2

3 CHAIRMAN THOMAS: Maloney, okay, we'll
4 recognize that correction, thank you. Dolly.

5

6 MS. GARZA: Also under persons attending
7 the meeting, under tribal representatives, Vicki LeCornu
8 was there as a Fish and Game Advisory Council member, not
9 as a tribal representative. And that's important.

10

11 CHAIRMAN THOMAS: Okay, thank you. Boy,
12 you guys are astute. If you recognize something in there,
13 even a little later on we can come back and make any
14 corrections we need to. So the Chair is calling for a
15 question on the motion to adopt the minutes with the
16 corrections included.

17

18 MR. KOOKESH: Call for the question, Mr.
19 Chairman.

20

21 CHAIRMAN THOMAS: Question's been called
22 for. All those in favor of adopting the minutes as
23 corrected, signify by saying aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN THOMAS: Opposed.

28

29 (No opposing votes)

30

31 CHAIRMAN THOMAS: Comments at this time can
32 be made regarding anything your heart desires. When we get
33 into proposals and if you want to -- if you want to comment
34 on proposals, then we'd like you to fill out one of these
35 blue forms. But for now, if there's any public that has
36 any comments, you're invited to present them at this time.
37 Okay, seeing none, we'll go into old business.

38

39 MS. GARZA: Mr. Chairman.

40

41 CHAIRMAN THOMAS: Dolly.

42

43 MS. GARZA: I thought there was at least
44 one.

45

46 CHAIRMAN THOMAS: I didn't see any hands.

47

48 MS. GARZA: She's shy.

49

CHAIRMAN THOMAS: Can't be shy.

00021

1 MS. WOODS: I am.

2

3 MS. GARZA: Mr. Chairman, Teresa Woods did
4 introduce herself during the round of introductions but I
5 did invite her to this meeting because she wanted to give
6 us a better idea of how her agency could work with our
7 group and she would like to solicit comments and ideas from
8 the Council and once you hear from her, I think you'll all
9 surround her at the first break. She's a real asset here.

10

11 CHAIRMAN THOMAS: We've been talking to

12 her.

13

14 MS. WOODS: Thank you, Dolly. Thank you,
15 Mr. Chairman and Board members. As I introduced myself
16 before, my name is Teresa Woods and I'm the area manager
17 for the Fish and Wildlife Service office located in Juneau.

18

19 Traditionally our role in fish and wildlife
20 management has been with habitat conservation. We haven't
21 gotten much involved in population management, that has
22 been done through our subsistence office in Anchorage.
23 What I would like to do is offer our assistance to members
24 of the Board and anyone else who has any ideas on how the
25 Fish and Wildlife Service might help to manage habitat or
26 to learn about fish and wildlife issues that affect
27 subsistence resource management.

28

29 We have a wide variety of expertise in our
30 office dealing with fisheries and wildlife and without
31 taking a lot of time and going into a lot of detail, I'd
32 just like to make our offer to help you out. In addition
33 to fish and wildlife expertise, we also have some
34 environmental contaminants biologists, so if there's
35 anything we can do to help, please, let me know.

36

37 CHAIRMAN THOMAS: Okay, now, was that with
38 State or Federal?

39

40 MS. WOODS: It's Federal.

41

42 CHAIRMAN THOMAS: All right, thank you.

43

44 MS. GARZA: If she isn't going to expand a
45 little, then I will. She did call me and said that she was
46 -- I had presented -- when we met in Douglas last year, I
47 went over and presented to a Fish and Wildlife Service
48 meeting, Harold Martin, myself, Jackie Martin, somebody
49 from Sealaska. And what they had asked us to do was to

50 give them ideas of things that should be done, research or

00022

1 whatever, that we thought that could be done for habitat or
2 for restoration of fish and wildlife resources. And I had
3 a list of things that should be done. And one of the big
4 issues, of course, was herring. And so she had called me
5 and said, you know, I've been looking -- I remember -- what
6 I said, which I thought was impressive, most people forget
7 what I say as soon as they walk away from me. But she had
8 kept it on the back of her mind and when a grant came up
9 through the -- who was that.....

10
11 MS. WOODS: The Royal Caribbean.

12
13 MS. GARZA:the Royal Caribbean, she
14 called me up and said, well, could we do something, and so,
15 I said, well, yeah, and when can we meet and so it ended up
16 because of my travel, she flew down the next day, her and
17 one of her assistants, what's her name?

18
19 MS. WOODS: Julie Beasley.

20
21 MS. GARZA: Julie Beasley. And we sat down
22 and talked about, okay, well, what can we do. So we
23 thought about let's do a survey to find out what kind of
24 habitat we've lost, that is important environmentally or
25 important for subsistence; where have we lost important
26 berry picking grounds, where have we lost areas where we
27 can't get beach asparagus, or sea cucumbers, or whatever
28 because of building, generally, and because of those types
29 of human changes to the environment. But we didn't want it
30 just between us and so we called Sitka Tribe, called Jack
31 and Robbie and said, well, can we do this and do you guys
32 want to work on it and they said, well, yeah, of course, so
33 we -- and Teresa did a lot of this work, pulled the grant
34 together and submitted it and we got it. And it was like
35 50 to 60,000. And what we hope to do is to go to different
36 communities, get an idea of -- just sit down and interview
37 people and get an idea of what habitat has been lost to try
38 and give us an idea of what we can do about it.

39
40 But when she talked to Jack and Robbie and
41 I, one of the points that she made was that in the past
42 Fish and Wildlife Service has been competitive for grants
43 and for research efforts and they're making a change,
44 philosophically and they're trying to work with us to try
45 and say, okay, how can we do these and how can we help you.
46 And so I do encourage you to talk to her during break
47 because there -- I think that there is a lot that that
48 office can do with us.

49

Thank you, Mr. Chairman.

00023

1 CHAIRMAN THOMAS: Thank you, Dolly. Thank
2 you.

3
4 MS. WOODS: Thank you.
5

6 CHAIRMAN THOMAS: The only request we have
7 is that you make sure habitat isn't further disturbed from
8 now on on everything, just make a ruling that no habitat
9 will be disturbed for fish or fowl and we'd appreciate it.
10 But habitat's an important issue. I'm glad you focused on
11 that because that is one of the fundamental essentials of
12 what we're trying to do. I thank you for that.

13
14 Anybody else. Jack.
15

16 MR. LORRIGAN: Mr. Chairman, Council
17 members. I'd like to personally thank you on behalf of the
18 Sitka Tribe for your role in reviewing and approving the
19 projects for this area. We're very excited about the
20 projects this summer at Salmon Lake and Klawk Bay, we
21 anticipate working very well with ENSRA (ph), Fish and Game
22 and the Forest Service at each project. I know all the
23 tribes around Southeast are excited about what you did for
24 them at the Anchorage meeting and I know that from talking
25 with people from different communities, they're looking
26 forward to getting out in the woods and doing their own
27 capacity building on their own resources. So on behalf of
28 Sitka Tribe and our Customary and Traditional Resource
29 Department (In Native), thank you.

30
31 CHAIRMAN THOMAS: Thank you.
32

33 MS. GARZA: Tell Salena your name and spell
34 it.

35
36 REPORTER: I know it, but go ahead.
37

38 MR. LORRIGAN: Jack Lorrigan, L-O-R-R-I-G-
39 A-N.

40
41 CHAIRMAN THOMAS: Thank you, Jack. Anybody
42 else? Well, if you get smitten with ambitions of coming up
43 later, that will be fine. What are you guys caucusing over
44 there, old business? We're on old business now. You got
45 caught.

46
47 MR. CLARK: I don't have any old business,
48 Mr. Thomas.
49

CHAIRMAN THOMAS: So have no old business

00024

1 on the agenda, A or B.

2
3 MR. LAITI: Mr. Chair.

4
5 CHAIRMAN THOMAS: Butch.

6
7 MR. LAITI: Yeah, Mr. Chairman, on Page 30,
8 Proposal 40, third paragraph, I was wondering if Cal could
9 answer that.

10
11 CHAIRMAN THOMAS: On Page 40?

12
13 MR. LAITI: Thirty.

14
15 CHAIRMAN THOMAS: Thirty.

16
17 MR. LAITI: Proposal 40.

18
19 MS. GARZA: Are you talking from the
20 minutes?

21
22 MR. LAITI: Well, it's.....

23
24 CHAIRMAN THOMAS: We'll probably get into
25 that when we get to Item 9.

26
27 MR. LAITI: Item 9, okay.

28
29 CHAIRMAN THOMAS: Okay.

30
31 MR. LAITI: Sorry.

32
33 CHAIRMAN THOMAS: That's okay.

34
35 MS. PHILLIPS: Mr. Chair.

36
37 CHAIRMAN THOMAS: Patty.

38
39 MS. PHILLIPS: In our minutes, Bill Knauer
40 estimated that 43 positions, about 50 percent of those
41 positions had been hired, I was wondering, are we going to
42 be getting an update on that? Would that come later in the
43 agenda on program staffing?

44
45 CHAIRMAN THOMAS: I don't have that answer,
46 but if anybody does, would you respond, please?

47
48 MS. PHILLIPS: I guess not.

49

CHAIRMAN THOMAS: Nobody knows.

00025

1 MS. PHILLIPS: I'm surprised Bill's not
2 here.

3
4 CHAIRMAN THOMAS: We'll get back to you.

5
6 MS. PHILLIPS: Okay.

7
8 CHAIRMAN THOMAS: See, I've been in the
9 government a long time, we'll get back to you.

10
11 MR. CLARK: Mr. Chairman.

12
13 CHAIRMAN THOMAS: Fred.

14
15 MR. CLARK: I'm sorry, I was writing
16 something, what was the question again?

17
18 MS. PHILLIPS: On Page 7 of the minutes,
19 under program staffing, Bill Knauer estimated that 43
20 positions were needed across all the Federal agencies and
21 to-date about 50 percent of the necessary positions had
22 been hired. I was just wondering what the status was on
23 those hirings?

24
25 MR. CLARK: Mr. Chairman.

26
27 CHAIRMAN THOMAS: Fred.

28
29 MR. CLARK: I don't know if somebody from
30 the Office of Subsistence Management has any statewide
31 figures, Dave Johnson has some information about on the
32 Tongass how that's been approached.

33
34 CHAIRMAN THOMAS: Okay.

35
36 MR. JOHNSON: There were four positions
37 that were identified and approved in the overall staffing
38 plan for the Tongass. Three of those positions have been
39 filled. Two of the biologists are here that you heard
40 introductions on before, Terry Suminski is in the zone for
41 the Hoonah and Sitka Ranger Districts, Ben VanAlen who will
42 be starting a little bit later will be in the Juneau,
43 Yakutat, Admiralty, Angoon areas, that zone. The third
44 person is Robert Larson, and he will be in the Petersburg,
45 Wrangell zone. Robert also is currently working for the
46 Department of Fish and Game and has been in that area for a
47 number of years. And the fourth person, the application
48 period closed and Dale Canin, Dave Schmidt, and Jerry
49 Ingersol should have a list of eligibles to select from

50 before the end of tomorrow. I'm supposed to check with

00026

1 personnel later today on that particular position.

2

3 Those are all of the current positions
4 under the zone staffing plan that we have on the Tongass,
5 other positions with respect to FIS that are more
6 statewide, also additional staffing that had to do with the
7 Native liaison program, Carl Jack may want to comment on
8 later, and then other OSM staffing I can't speak to.

9

10 Thank you.

11

12 MS. PHILLIPS: Thank you.

13

14 CHAIRMAN THOMAS: What about the rest of
15 the state?

16

17 MR. CLARK: Mr. Chairman, I'm not sure that
18 we have any staff here that can talk about the -- kind of
19 the statewide picture of staffing. We do have Carl Jack
20 who can speak about the Native consultation and perhaps the
21 cooperative positions that are on-line.

22

23 CHAIRMAN THOMAS: I have one question. I
24 was looking through the manual here and there were still
25 some regions that hadn't had fisheries biologists on board
26 yet; have those positions been filled? Does every region
27 have a biologist now? Okay, we'll explore that later.

28

29 MR. ANDERSON: Mr. Chairman, I didn't hear
30 Kake's name mentioned, I guess we are honored to do
31 without.

32

33 CHAIRMAN THOMAS: Did you mention Kake?

34

35 MR. JOHNSON: My apologies Mr. Mayor.
36 Lonnie, the Kake is included with the Petersburg, Wrangell,
37 Stikine area and other communities that are basically in
38 the Stikine River area. I'm not real familiar with all the
39 other communities that may be there.

40

41 MR. ANDERSON: Thank you.

42

43 CHAIRMAN THOMAS: We're going to get an
44 overhead that will display that Kake was deliberately left
45 off of the description awhile ago, so are you happy now,
46 Mr. Mayor?

47

48 MR. ANDERSON: I'm happy now.

49

CHAIRMAN THOMAS: All right.

00027

1 MR. HERRICK: If I may, from the Forest
2 Service Law Enforcement.....

3
4 REPORTER: Wait, wait, please come up to
5 the microphone.

6
7 MR. HERRICK: Mr. Chairman, John Herrick,
8 Director of Law Enforcement for the Forest Service.
9 Regarding our staffing I wanted to bring it to your
10 attention that our staffing throughout the Chugach and the
11 Tongass, and I realize you're Tongass specific, but calls
12 for 33 law enforcement officers, of which we are down to 13
13 right now. We do have a fair amount of positions being
14 advertised right now, three, of which are specifically to
15 dedicate themselves to subsistence issues and subsistence
16 enforcement in coordination with your group and others.
17 And we hope to fill those jobs within another couple of
18 weeks. We also hope to make a selection soon to place an
19 officer in the Hoonah area that will have a large
20 subsistence role, too. But I just wanted to bring to your
21 attention that law enforcement is, in fact, looking at the
22 subsistence issue and recognizing that we need to staff up
23 and be more involved.

24
25 CHAIRMAN THOMAS: Could you explain that
26 again. The relationship and the positions made available
27 for the subsistence activity, I guess I'm not
28 understanding.

29
30 MR. HERRICK: Without taking up too much of
31 your time, what might help in the understanding is that law
32 enforcement in the Forest Service is what we refer to as a
33 straight line organization, we work for Washington D.C., we
34 don't work for the local managers. So we have our own, if
35 you will, stand-alone organization, to support the Forest
36 Service in general, and obviously in Alaska, the area of
37 subsistence and subsistence conservation, preservation
38 enforcement is a large percentage of our program. So we
39 have targeted three specific positions in which they will
40 be what we refer to as lead law enforcement officers to be
41 our technical advisors in the field to our other fieldgoing
42 officers. Basically our subject matter experts, so when we
43 get those folks in -- established and in place, a large
44 percentage of their job is going to be attending meetings,
45 working with other agencies, working within our agency to
46 get up to speed and current on all the issues in their
47 respective zone so that they can help the other officers
48 understand the complexities of many of the issues.

49

CHAIRMAN THOMAS: Thank you. I don't know

00028

1 if you're comfortable right now in further questions but I
2 do have some more curious questions that I want to ask, and
3 if you rather I wait I can do that. I don't know how well
4 prepared you came, I don't know how new you are to this
5 area or to the system or anything.

6
7 MR. HERRICK: Well, I've been here five
8 months. I'm definitely not in my comfort zone on
9 subsistence, don't know when I will be but I will certainly
10 refer any and all questions to Marty Meyers who is now
11 acting as my assistant, the Assistant Special Agent in
12 charge for all enforcement matters and I'm sure that Marty
13 could adequately address any specific questions that you
14 might have.

15
16 CHAIRMAN THOMAS: Thank you. And I
17 appreciate your honesty. I guess the curiosity I had was
18 you specifically mentioned the relationship of law
19 enforcement to the subsistence program. Realizing that
20 there's law enforcement out there now that deal with all
21 kinds of -- every user group, I mean a violation is a
22 violation, so are you guys -- if you guys see somebody
23 shooting a computerized deer on the road, can you do
24 something there?

25
26 MR. HERRICK: Yes.

27
28 CHAIRMAN THOMAS: Okay.

29
30 MR. HERRICK: And we do. And as I -- I
31 would like to refer to Marty because he's been up here for
32 a long time but I'll stay here if you have something
33 specifically for me.

34
35 CHAIRMAN THOMAS: I've never learned to
36 trust Marty's word on anything, so help us out Marty.

37
38 (Laughter)

39
40 MR. MEYERS: My name is Marty Meyers,
41 Special Agent with the US Forest Service, Mr. Chairman and
42 the Board. Yes, we do deal with all aspects of
43 enforcement, resources and with wildlife and fisheries in
44 the Tongass National Forest in the Southeast of Alaska.
45 And we do this also in conjunction with the State. all of
46 our officers are State commissioned officers as well as
47 Federal law enforcement officers. But I want you to know
48 that our main duty is to enforce and ensure compliance of
49 all the regulations that we're responsible for. At the

50 same time, we're also responsible to try to help promote

00029

1 preventive measures, education for our users to make sure
2 they understand what the rules are and especially when it
3 comes to subsistence because it is so new and the Forest
4 Service is charged with protecting that right for the user.
5 It is also our job as law enforcement to help protect that
6 right to the subsistence user. And with that in mind, we
7 also are involved with assisting and trying to determine
8 user conflicts and figure out ways to resolve those issues.
9 So in certain aspects the subsistence user isn't cut out of
10 something that they're entitled to.

11
12 So in general terms, that's kind of a sense
13 of where we're at with this. And we are really here to
14 help ensure the program goes like it's designed to go.

15
16 CHAIRMAN THOMAS: Appreciate that, thank
17 you very much.

18
19 MR. MEYERS: Thank you.

20
21 MR. HERRICK: Thank you.

22
23 CHAIRMAN THOMAS: Just a further reminder,
24 you know, we're very sensitive about how subsistence is
25 perceived. And you screwed up a little bit, you said that
26 since subsistence is so new, well, let me tell you.....

27
28 MR. HERRICK: Well, Mr. Chairman.....

29
30 CHAIRMAN THOMAS:but I understand. I
31 hope you understand my levity there, but thank you very
32 much.

33
34 MR. HERRICK: Thank you, Mr. Chairman.

35
36 MR. MEYERS: Thank you, Mr. Chairman.

37
38 MS. GARZA: Mr. Chairman.

39
40 CHAIRMAN THOMAS: Dolly.

41
42 MS. GARZA: The one thing I would ask is if
43 you are staffing up, it would be nice to get like a one-
44 page sheet so we would know who was where. So if we have
45 conservation issues that we, as subsistence people, can
46 contact you and express your concerns.

47
48 MR. HERRICK: We'll do that.

49

MS. GARZA: Okay, thanks.

00030

1 CHAIRMAN THOMAS: Thank you. Appreciate
2 you introducing that program to us.

3
4 We're still under Tab C, 8a and b, I don't
5 have anything listed in my book, does anybody else? Okay,
6 seeing none.....

7
8 MR. CLARK: Mr. Chairman.

9
10 CHAIRMAN THOMAS: Fred.

11
12 MR. CLARK: Mr. Carl Jack would like to,
13 under old business, talk about consultation process with
14 tribes and his role because that is something that is -- it
15 actually is old business, it's something that has been
16 going on for awhile.

17
18 CHAIRMAN THOMAS: Mr. Jack, it would be our
19 pleasure.

20
21 MR. JACK: (In Native). My name is Carl
22 Jack for the record. I am a Native liaison for the Office
23 of Subsistence Management. The policy that's -- Department
24 policy, DOI policy on government to government relations
25 with Alaska Native tribes in Tab C. As you note, this
26 policy was signed on January 18th, 2001, and that was
27 subsequent to the executive order by the President -- it
28 was it signed in April of '94. This policy is specific to
29 tribal consultation.

30
31 The purpose is outlined on paragraph one,
32 it's self-explanatory, it gives you historical notes. The
33 introduction talks about the unique legal relationship
34 between the tribes and the Federal government. And the
35 fact that this policy is specific to the Alaska Native
36 Federally recognized tribes. This is followed by the
37 definitions. On Page 2 of the policy are the key
38 provisions. The policy itself. That the agencies that are
39 signatory to this policy are committed to consulting on any
40 -- in the agencies decision-making process -- well, on
41 matters that will affect the Alaska Native tribes.

42
43 There are nine specific steps that are
44 outlined on Page 2, starting from prenotification to number
45 9, removal procedures, implementation, followed by the
46 general provisions of how this policy will impact the
47 Federal government and the tribes.

48
49 This policy -- the effort to have this

50 policy in place was made during the fourth quarter of the

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1 Clinton administration. Where efforts by the special
2 assistant was made with Alaska Intertribal Council, through
3 their consultation, that resulted in most of the steps as
4 outlined on Page 2 to be included in this policy. So the
5 Alaska Intertribal Council was very instrumental in working
6 with the special assistant to have this policy in place
7 before the Clinton administration left on January 20th.

8
9 I think to the Service or the Office of
10 Subsistence Management, since this is a new way of doing
11 business with Alaska Native tribes, there are probably some
12 questions as to how -- as to how this policy will impact
13 the way OSM does its business. For example, is the
14 regulatory process of the Office of Subsistence Management
15 subject to this, so I think those questions -- at least as
16 far as I know have yet to be addressed by the Office of
17 Subsistence Management. I know that in my position I will
18 certainly be guided by the provisions of this policy and if
19 there are requests for tribal consultation, not only within
20 the US Fish and Wildlife Service but among the signatory
21 agencies, they are certainly obligated to follow the
22 provisions of this policy.

23
24 In short, that's my short presentation.

25
26 CHAIRMAN THOMAS: Any questions?

27
28 MR. ADAMS: Mr. Chairman.

29
30 CHAIRMAN THOMAS: Bert.

31
32 CHAIRMAN THOMAS: Thank you, Mr. Carl Jack
33 for being here today. I would like maybe if you could
34 elaborate a little bit on Item No. 9, under
35 responsibilities, procedures and so forth? What you would
36 interpret removing procedural impediments would be?

37
38 MR. JACK: I'm certainly not a lawyer.
39 There are other personnel here from the Service and other
40 agencies that I think would better interpret some of these
41 provisions. But I believe there are some protections in
42 place for arbitrary and capricious action that might be
43 taken, for example, by the Federal Subsistence Board.

44
45 The three criteria are, I guess, can be
46 used as possible way of removing such impediments that may
47 -- that the Board may face with respect to this.

48
49 MR. ADAMS: Thank you, Carl. It's kind of

50 been a thorn in my side to try to figure out what that

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1 meant, so I thought maybe you might have elaborated on that
2 somewhat and might have a better idea, but my other
3 question is, how long do you -- you said that possibly the
4 Office of Subsistence Management is not clear as to whether
5 these policies, you know, applies to that particular
6 agency. When do you think that this will -- an answer of
7 some sort will come forth?

8
9 MR. JACK: I -- what I can do is take this
10 question back to the Chairman for the Federal Board to
11 address those specific issues. Since this policy deals
12 with the relationship between the government and the Alaska
13 Native Tribes, I think that the time that the Service will
14 address that if such request for tribal consultation on the
15 regulatory process is made to the Office of Subsistence
16 Management and from there, I think with the help of the
17 Solicitor, I think we can probably get a clear answer on
18 that.

19
20 CHAIRMAN THOMAS: Thank you, Carl. Anybody
21 else?

22
23 MR. ANDERSON: Ida.

24
25 MS. HILDEBRAND: Thank you, Mr. Chairman.
26 Ida Hildebrand, BIA Staff Committee member. I seem to be
27 sensing some confusion, the tribal policy is for all
28 Federal agencies that are dealing with tribes on decisions
29 that impact tribes as compared to the ANILCA process and
30 the creation of this Council under 805, the Chairman has
31 already spoke to that issue, the process is through this
32 Council, and the tribes would come into this Council with
33 their requests. That's their involvement in the regulatory
34 process. And Mr. Chairman, the Chairman of the Federal
35 Subsistence Board has already made it clear that he will
36 not relinquish or will not do anything to relinquish the
37 relationship of this Council or all Councils on the Federal
38 Board. So while there is some overlap, ANILCA created this
39 Council and ANILCA rules the relationship of this Council
40 and the Federal Board.

41
42 CHAIRMAN THOMAS: Thank you very much.

43
44 MS. GARZA: Mr. Chairman.

45
46 CHAIRMAN THOMAS: Dolly.

47
48 MS. GARZA: Well, Carl, I'm glad to see you
49 in this position. As the former director of the Natural

50 Resource Program for RuralCap, you certainly have a broad

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1 understanding of the needs of Alaska Natives throughout
2 Alaska so I appreciate you being in this position.

3

4 But I kind of have to ask you what you
5 envision yourself doing because I think for one person that
6 would be very difficult to work with all 210 tribes, so I'm
7 not sure if communities will be calling you for assistance
8 or if you will take on more of a statewide role.

9

10 MR. JACK: Thank you. What I can probably
11 do is provide a job description to the Council members, I
12 can certainly make that. But one of my primary roles is to
13 advise the Federal Subsistence Board through the Chair on
14 issues that are specific to Alaska Native concerns. Since
15 ANILCA, by itself, and by definition, is providing
16 subsistence opportunities in rural Alaska, so I see myself
17 more of an advocate to the Alaska Native community in
18 addressing or bringing their concerns before the Federal
19 Subsistence Board through the Chair and also working with a
20 group like this, the Regional Advisory Councils.

21

22 CHAIRMAN THOMAS: Okay, thank you. And
23 Carl, I think congratulations for the job you took on. I
24 know it's not a -- it's probably one of the more complex
25 positions in the office.

26

27 MR. KOOKESH: Turn your mike on.

28

29 CHAIRMAN THOMAS: Don't tell me what to do.

30

31 (Laughter)

32

33 CHAIRMAN THOMAS: And like I said, it's
34 probably one of the more complex jobs in the office. And
35 you're going to find yourself in conflicts down the road.
36 And at any given time, if there's anything we can do as an
37 Advisory Council to be of any assistance in your efforts in
38 doing your job, either as a resource or anything like that,
39 feel free to let us know.

40

41 MR. JACK: Thank you.

42

43 CHAIRMAN THOMAS: You're welcome, and thank
44 you.

45

46 MS. PHILLIPS: Mr. Chair.

47

48 CHAIRMAN THOMAS: Patty.

49

MS. PHILLIPS: Mr. Jack.....

00034

1 CHAIRMAN THOMAS: Turn your button on.

2

3 MS. PHILLIPS: Mr. Jack, I'm not sure if I
4 should be asking you this or another Staff member, but what
5 is the status of the ability of tribes to compact -- for
6 compacting like for resource monitoring?

7

8 MR. JACK: Right now, I believe ANILCA has
9 to be amended to be able to allow for that. The office can
10 initiate cooperative agreements under 809 of ANILCA. And
11 my observations have been that insofar as interpreting --
12 going beyond cooperative agreements, I believe the Office
13 is very careful in not stepping over that. For example, to
14 enable the Office of Subsistence Management or Fish and
15 Wildlife Service -- since their interpretation of the
16 subsistence resources are along the lines that they're
17 public resources, that there are currently, as I understand
18 it, no provisions in ANILCA, for example, to negotiate co-
19 management agreements or compact or allow -- or allow the
20 regional Native organizations to contract for the
21 administration of the conservation units. I may -- that --
22 I'm giving you my readings, I'm not a lawyer. I think the
23 Solicitor's office would be more in a position to make
24 these very strict interpretations.

25

26 MS. PHILLIPS: Thank you.

27

28 CHAIRMAN THOMAS: You're not a lawyer but
29 you're easier to believe.

30

31 MR. JACK: Thank you.

32

33 (Laughter)

34

35 CHAIRMAN THOMAS: Thank you, Carl. Anybody
36 else? Okay, let's not get creative, ask him questions
37 specific to his job as liaison. Who else had a question?

38

39 MR. ANDERSON: Somebody from the audience,
40 Mark.

41

42 CHAIRMAN THOMAS: Mark.

43

44 MR. JACOBS: Thank you, Mr. Chairman. I've
45 been involved long enough and at the present time I'm
46 almost at a total loss in hearing and am having a little
47 difficulty in following. But to begin with, when the Land
48 Claims put wording in the Act, aboriginal rights is hereby
49 extinguished.

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1 CHAIRMAN THOMAS: Okay, excuse me.

2
3 MR. JACOBS: If that sentence.....

4
5 CHAIRMAN THOMAS: Carl, you could be
6 excused.

7
8 MR. JACK: Okay, thank you.

9
10 CHAIRMAN THOMAS: Uh-huh.

11
12 MR. JACOBS: If that sentence was not put
13 in the Act, there are is certain Congressmen that would not
14 have voted for the Act. They call it Land Claims
15 Settlement, but I don't call it a settlement. I think it's
16 just an interim of dealing with Alaska Native people.

17
18 For one thing, the Act was passed to get
19 the oil pipeline in, as you know and remember, that the
20 Secretary of Interior imposed a land freeze and that oil
21 had to flow. When the Act went into Congress, Section 2 of
22 that Act says, that Congress finds it necessary to enact --
23 and this is not verbatim, but I'll tell you what it meant,
24 they would deal with -- the Alaska Natives Claims
25 Settlement Act was not participation from the Natives
26 involved. And they forgot that section, as soon as that
27 bill went to Congress. The bill itself barely passed
28 Congress. As you remember, one time, Vice President cast
29 the break -- the vote that broke the tie.

30
31 Aboriginal rights is hereby relinquished
32 was put in there by a Congressman that didn't know what
33 that word meant. You can pass all kinds of legislation in
34 Congress, parliament and other governmental people and put
35 it in statutes and language, aboriginal rights still exist.
36 Like inherent rights, you cannot eliminate by statute, you
37 can only suppress it.

38
39 Now, we have government to government
40 relationship. When the bill first came before Congress,
41 Alaska legislature took action. In 1978, Senator Adams
42 passed a bill and we agreed with that, it was the best
43 system that we could live with. Sitka ANB passed policy,
44 Native and non-Native alike. And this is what the
45 President Carter had said, that he would not sign the bill
46 unless there was provisions for Native and non-Native
47 alike. Now, before that, we took this action, that we
48 wanted Alaskans to be treated like Alaskans and those that
49 chose to live the Alaskan lifestyle should not be deprived.

50 It so happened one day, the bill began to be implemented,

00036

1 the opposition began to interpret this as Native only and
2 some of the actions that were taken was jeopardizing our
3 rights. So in my eyes, my emotions, I took the action that
4 we must protect our Native rights, even if it comes down to
5 a Native only act. Because I think that what they were
6 getting at was a Native only language was in that Act and
7 it was not.

8
9 Government to government relationship to
10 come as the result of President Nixon's Indian Self-
11 Determination Act, was one of the greatest milestone acts
12 that has ever been passed for the Native American people.
13 Out of that came the word, sovereignty. Sovereignty is
14 what we possess. It goes along with inherent sovereignty,
15 it cannot be taken away except by genocide. Congress
16 claims powers over Native Americans and that means they can
17 do anything they want with Native American people. We've
18 been living as best as we can under the present type of
19 laws that comes before us.

20
21 The Statehood Act recognized our rights.
22 Article 4 of the Statehood Act required language of every
23 area territory that is admitted to the union to have
24 control over the constitution that that state is going to
25 be run by. The supreme law of that state, in case of state
26 of Alaska, Article 12, Section 12, and you've heard it
27 many, many times, that the state of Alaska and it's people
28 shall disclaim any right or title to any lands that is in
29 control of the Federal government or is claimed by the
30 Indian, Eskimo and Aleut and this includes fishing. It so
31 happened when the Congressional people was appointed -- or
32 the State created a constitutional committee and met in
33 Fairbanks, we had one Indian on that constitutional
34 committee and a hunting interest talked to him and that's
35 the reason you don't find hunting in Article 12, Section
36 12. It's confined to fishing. Now, the requirement would
37 have been hunting and fishing and is claimed by the Indian,
38 Eskimo and Aleut. Now, we still recognize our White
39 brothers that became true Alaskan people and there's rural
40 preference in this language. Now, if we had been issued ID
41 cards and maybe blood quantum would come into play, like
42 this last lame duck Congress began to -- or Department of
43 Interior began to implement, before they even left they
44 said they were going to issue blood quantum certificates to
45 every Native American. This is -- well, it's pretty
46 detrimental and I was outspoken in that. Because what are
47 you trying to do, they're trying to bleach Indians and you
48 can't do it. There are some that like to bleach
49 themselves, half-Indians calling themselves White. On the

50 other hand some quarter Indian people is proud of their

00037

1 heritage and call themselves Indians and is recognized by
2 their tribes when they get on the enrollment list. That is
3 a majority of the tribe -- less than one-fourth, recognize
4 an Indian of less -- less quantum.

5
6 The definitions of this Act, and I just
7 heard that, the ANILCA Act needs to be amended. We have
8 fought tooth and nail over amending the Act. The former
9 Secretary of Interior, I don't know if you were at the AFN
10 Convention, when he told the Alaska Natives that if we did
11 not accept the proposed constitutional amendment for
12 Alaska's Constitution, that he would not help Alaska
13 Natives and I went to the mike, and the mike on the floor
14 was not working; that's happened many times before, so I
15 said, I notice you're mike on the podium is on so I'll use
16 that one -- the AFN Convention is standing room only, and I
17 think you heard the Secretary of Interior said that he will
18 not help the Alaska Native peoples if we do not accept the
19 constitutional amendment. That's an insult to the state of
20 Alaska. That's an insult to the constitution. That's an
21 insult to the entire Alaska and the Native people. Because
22 we have a model constitution that means what it says, like
23 Article 12, Section 12, it says forever, claim any right.
24 Now, that's White man's language when it says, forever, and
25 I say it's not amendable. And that we had adequate
26 language in the constitutional, state of Alaska, to live
27 our subsistence way of life because it's that Article 12,
28 Section 12 that was required under Article 4, Statehood
29 Act.

30
31 Now, these are kind of tough things to talk
32 about. But we know we have that right. You're
33 circumventing the inherent rights by using customary and
34 traditional. Customary and traditional you can regulate,
35 but inherent rights you cannot do anything about it, it's
36 there all the time.

37
38 Thank you.

39
40 CHAIRMAN THOMAS: Thank you, Mark.
41 Questions. Thank you.

42
43 MR. JACOBS: Thank you.

44
45 CHAIRMAN THOMAS: Okay, we're going to take
46 a sinful break. Some of you use tobacco, some of you drink
47 martini's, some of you drank too much coffee. Five
48 minutes.

49

00038

1 (On record)

2

3 CHAIRMAN THOMAS: We're going into
4 proposals now. And Fred Clark is always trying to find
5 ways to make us more focused on what we're dealing with and
6 still not leave anything out of the process so he devised a
7 format here that he's going to explain to you. Fred.

8

9 MR. CLARK: Thank you, Mr. Chairman. After
10 having gone through Council transcripts year after year
11 after year and producing the minutes and trying to distill
12 what the Council's rationale is for particular
13 recommendations that they make, it occurred to me that it
14 would be helpful just at each decision-making juncture to
15 go through kind of a checklist to make sure that we have on
16 record all the things that have been considered in making
17 that decision. So what I've distributed around to the
18 Council members is also on this flipchart behind me and I
19 have a few extra copies here if people in the audience
20 would like to have them.

21

22 But it essentially goes through, with a
23 Council motion, you have kind of three choices; either
24 support it as written, support it with modification or
25 reject it. So you want to clearly state which of those
26 you're trying to do.

27

28 You want to provide a rationale for the
29 recommendation. You want to make sure that you've
30 addressed conservation concerns, whether the point is to
31 address subsistence opportunity, if you have concerns over
32 the kinds or quality of the information that's available;
33 that should be on record, and also we need to make note if
34 you're -- if there are any explicit or implicit
35 restrictions on non-subsistence uses. There are
36 administrative aspects of some of the proposals, not all of
37 them, but we should address those consistently to see if
38 there are any as we talk about the decision.

39

40 For instance, is it going to require
41 permits or if there are permits already, are you going to
42 have a modification to the way the permit is administered
43 now. Are you going to make a recommendation on that. And
44 also will your recommendation require information gathering
45 projects? So if you make a recommendation to change a
46 regulation, are you also going to recommend that there is
47 information gathered to produce information to monitor it
48 or if you can't make a decision because you don't have
49 enough information, you say that you need it and this is

50 what it's going to take to get that information and some of

00039

1 those might be biological, which could be population
2 information, habitat information, distribution of species,
3 traditional ecological knowledge, on and on, or it could be
4 socio-cultural aspects, users, use levels, competition, use
5 trends; things of that nature.

6
7 That's essentially it. If the Council
8 would like to use that, you're welcome to. If you'd like
9 to come up with something different, that's okay, too. I
10 just wanted to provide a mechanism to make the Council's
11 recommendations quite explicit.

12
13 CHAIRMAN THOMAS: Okay, thank you. So
14 we're going to -- I guess we'll be take our proposals as
15 they're listed, we'll start with the statewide proposals.
16 And you folks see the definition that is included in here,
17 and today I requested that a dictionary be brought down, I
18 just wanted to make a comparison and to see if they're
19 aligned with Mr. Webster. Webster is an old tribal member.

20
21 (Laughter)

22
23 CHAIRMAN THOMAS: And I want to make sure
24 that his -- bait, B?

25
26 MR. KOOKESH: Yeah, B.

27
28 CHAIRMAN THOMAS: Okay.

29
30 MR. KOOKESH: B-E-A-T.

31
32 CHAIRMAN THOMAS: Jail bait.

33
34 (Laughter)

35
36 CHAIRMAN THOMAS: Okay, I'm looking up
37 bait. We're trying not to reinvent the wheel, it's the
38 saying, time and memorial.

39
40 (Laughter)

41
42 CHAIRMAN THOMAS: Okay, what's the one in
43 here, Bait, any material excluding the scent lure that is
44 put to attract an animal by its sense of smell or taste,
45 however, those parts of legally taken animals that are not
46 required to be salvaged are left at the kill site are not
47 considered bait. Okay, they want us to define bait, let's
48 see what bait says here. Food or the like used as to lure
49 in angling, trapping, et cetera. Anything that entices or

50 lures. To set -- I like the one that says, anything that

00040

1 entices or lures, right out of Websters, anybody like that?

2

3 MR. ANDERSON: Uh-huh.

4

5 MS. WILSON: It doesn't say lure what?

6

7 CHAIRMAN THOMAS: Well, it just says that's
8 what bait is. It's used to entice or lure. I could tell
9 you about some -- I could give you examples that would make
10 you turn red.

11

12 MS. PHILLIPS: Then don't.

13

14 (Laughter)

15

16 CHAIRMAN THOMAS: Okay, any objections to
17 entice or lure? We're taking it out of the dictionary now.

18

19 MS. WILSON: Mr. Chairman.

20

21 CHAIRMAN THOMAS: Yeah.

22

23 MS. WILSON: Mr. Chairman, I think we
24 should vote to accept this proposal and have somebody
25 second it and I hereby -- I make a motion that we accept
26 this proposal.

27

28 MR. STOKES: I'll second it.

29

30 CHAIRMAN THOMAS: It's been moved and
31 seconded. Discussion.

32

33 MS. WILSON: To support.

34

35 CHAIRMAN THOMAS: Okay. You want to adopt
36 it as it is or do you want to -- the reason I brought a
37 dictionary is because this is statewide. And if they leave
38 it up to each region to come up with their own definition,
39 there's no point in having a definition. I mean it's got
40 to mean the same all through the state.

41

42 Floyd.

43

44 MR. KOOKESH: Mr. Chairman, I think for
45 purposes of definition, I believe we probably need to
46 define what material is. I'm not referring to your
47 dictionary but the document says, any material, and I think
48 if anything we should define what material is and what the
49 reference is. I don't know what the reference is, to

50 fishing, to hunting?

00041

1 CHAIRMAN THOMAS: Okay, in here, number 1,
2 says food or the like used to lure in angling, trapping, et
3 cetera.

4
5 MR. KOOKESH: Food. It could be.....

6
7 CHAIRMAN THOMAS: Food or the like. Is
8 this too challenging? Are we going to be a rubber-stamp?
9 Are we going to be yes people? My vice chair is giving me
10 the evil eye over there.

11
12 MR. KOOKESH: Mr. Chairman, there's a
13 gentleman back there that wants to comment.

14
15 CHAIRMAN THOMAS: Yes.

16
17 MR. KAHLER: There's a difference.....

18
19 CHAIRMAN THOMAS: Come on up to the -- if
20 you're going to talk you got to get up to the hot seat.

21
22 MR. KAHLER: Okay. There's a difference
23 here, I'm not.....

24
25 REPORTER: Now, you have to turn the
26 microphone on.

27
28 MR. ANDERSON: Mike.

29
30 MR. CLARK: Mike.

31
32 MS. HILDEBRAND: And state your name, too.

33
34 MR. KAHLER: I'm not positive exactly.....

35
36 MR. STOKES: Could you turn the.....

37
38 CHAIRMAN THOMAS: Yeah, turn the mike on
39 and give us the information off your dog tags.

40
41 MR. KAHLER: Say again?

42
43 CHAIRMAN THOMAS: Give us the information
44 off your dog tag? What's your.....

45
46 MR. KAHLER: My name is Greg Kahler.

47
48 CHAIRMAN THOMAS:name, rank and
49 serial number?

00042

1 MR. KAHLER: My name is Greg Kahler. My
2 Badge Number is 1106. How's that?

3
4 (Laughter)

5
6 MR. KAHLER: It appears to me there's a
7 difference between this and the regulation in the State
8 regulation and it'd just be in your interest to -- I think
9 the State regulation pertains to the use of scent on bait
10 for fishing as being bait, and this appears to exclude it.
11 Don't know if that's your intent or not.

12
13 CHAIRMAN THOMAS: Well, I don't know what
14 the intent is either, we're just trying to come up with a
15 consensus, but at the same time trying not to stray from a
16 universal acceptance of a word.

17
18 MR. KOOKESH: Right.

19
20 MR. KAHLER: It's just in the State use of
21 this word, the word, bait, if you are fishing and you have
22 a lure that's made out of, for instance, plastic, and you
23 put some scent on it then you're in violation if you're
24 fishing in an area where bait is excluded. And it appears
25 that this would allow you to do that, unless -- because
26 this says, any material excluding a scent lure. So I don't
27 know if that's your intent or not.

28
29 CHAIRMAN THOMAS: Well, that's why I think
30 we should stick with the dictionary. Because when you
31 start putting in your own interpretations, I think we get
32 in deep yogurt. Not spelled that way but that's how we
33 could get into it.

34
35 MR. KAHLER: Yeah, I think when the State
36 includes that scent, they're using that part of that, any
37 material, scent is any material.

38
39 CHAIRMAN THOMAS: Thank you.

40
41 MR. KAHLER: Thank you.

42
43 CHAIRMAN THOMAS: Greg.

44
45 MR. BOS: Thank you, Mr. Chairman. Greg
46 Bos, Fish and Wildlife Service, Anchorage. I don't know,
47 perhaps the Staff would like to present the analysis. I
48 think the intent originally of this proposal that came from
49 the Interior Regional Councils was to align some

50 definitions with State regulations to minimize confusion

00043

1 that subsistence users might have with the two sets of
2 regulations, State and Federal regulations. Most of the
3 Councils have met and considered this, it is a statewide
4 proposal. I don't think any of the Councils looked at
5 defining these terms differently for their own specific
6 regions, I think it's just a recognition that a statewide
7 set of definitions is needed. And as far as I know, all of
8 the Councils have supported this statewide proposal. But
9 the Staff may wish to present more information on the
10 analysis, if they think it's appropriate.

11

12 CHAIRMAN THOMAS: That's a good point.
13 Staff.

14

15 MR. JOHNSON: Mr. Chairman, one of the
16 things that needs to be clarified is that the regulations
17 that are before you are for wildlife only. The fishery
18 regulations would come under separate consideration at the
19 next Council meeting and so this would be only in the
20 context of wildlife. So whatever you would decide about
21 bait would only be in the context of wildlife, it could be
22 a different definition for fish.

23

24 CHAIRMAN THOMAS: I understand that and
25 that's why I like the dictionary's version. Food or the
26 like used as a lure in angling, trapping, et cetera. The
27 good old English language, when you run out of things to
28 say, you say, et cetera.

29

30 MR. JOHNSON: Mr. Chairman, though, again,
31 if you'll look under bait, it excludes scent because under
32 the State regulations you can use lure for trapping
33 purposes as -- if Mr. Douville was here, I believe he would
34 explain that in some detail, that that's another reason why
35 "lure" is excluded from that definition.

36

37 CHAIRMAN THOMAS: That's why I want to use
38 the dictionary. Bait does not include scent.

39

40 MR. JOHNSON: Mr. Chairman, I'm perfectly
41 fine with a statewide definition that includes Webster's
42 definition. I can't speak to the other Councils. We
43 support a consistent definition and that's why we came
44 forth with this.

45

46 CHAIRMAN THOMAS: What.....

47

48 MR. JOHNSON: It was proposed by the
49 Eastern Interior and Western Interior regions so it's an

50 easier way to make it uniform across the state.

00044

1 CHAIRMAN THOMAS: Well, I appreciate that.
2 But if you're going to use a definition that's going to be
3 accepted by as many people that's going to be considering
4 this in the state, to avoid confusion, see that's a good
5 thing about the English language, there's never confusion
6 in interpretation except -- see this is a pretty long-
7 winded definition for bait. It tells you what to think.
8 And the dictionary version gives you discretion. It
9 doesn't say anything about smell, it says lure. So if
10 you're blind you're going to miss out.

11
12 Any other comments? What's the Staff
13 analysis? What did you guys recommend, I didn't get that
14 far? You guys recommend adopting it the way it is?

15
16 MR. JOHNSON: We recommend to support the
17 proposal, Mr. Chairman. And secondly, law enforcement kind
18 of alluded to this, some things in Webster may be very
19 clear on paper but when it comes time to actually enforce
20 the regulation, it's not as simple as Webster's version and
21 so this makes it easier.

22
23 CHAIRMAN THOMAS: Well, then I say to that,
24 use language that's more appropriate for management and
25 enforcement than ambiguous. Don't use a term and make it
26 ambiguous. See this is an opportunity for this Council to
27 have an impact and to give some direction on how to do
28 things properly.

29
30 Does the Council have any comments on this?
31 We're just talking about the word, bait, at this time.

32
33 MS. WILSON: Mr. Chairman.

34
35 CHAIRMAN THOMAS: Marilyn.

36
37 MS. WILSON: I'm getting a little more
38 confused again. I forget the first man that got up and
39 talked, he said that the State regulations didn't have this
40 part and excluding a scent lure, is that true?

41
42 MR. KAHLER: Well, I said.....

43
44 REPORTER: Wait a minute, come on up,
45 please.

46
47 MR. KAHLER:I wasn't positive but I
48 believe that.....

49

MS. GARZA: At the table.

00045

1 MR. CLARK: She's recording everything.

2

3 REPORTER: You have to come up to the
4 microphone.

5

6 MS. WILSON: Please.

7

8 CHAIRMAN THOMAS: Come on up here and stay
9 there because you're going to be here a long time. It's
10 going to be a long day.

11

12 MR. KAHLER: Fishery, pertaining to
13 fisheries.

14

15 MS. WILSON: Okay. Is your mike on?

16

17 MR. KAHLER: Pertaining to fisheries.

18

19 MS. WILSON: Okay. So this -- it doesn't
20 pertain to the animal or wildlife?

21

22 MR. KAHLER: Right, apparently there's a
23 different definition between -- for wildlife, stuff with
24 fur on it and for stuff with scales on it.

25

26 MS. WILSON: Okay.

27

28 MR. KAHLER: Not necessarily that that is
29 good or makes sense.

30

31 CHAIRMAN THOMAS: Thank you. See I don't
32 know -- I'm not sure.....

33

34 MS. WILSON: I have another question.

35

36 CHAIRMAN THOMAS: I'm not sure what's
37 happening here. They printed this book for a real good
38 reason, in fact, you can't get a degree in anything without
39 the use of this thing. So why is it when you get through
40 using this thing and you get the responsible position, you
41 throw it away?

42

43 So I'm suggesting that we use a universally
44 accepted definition for a word. We're not -- this year,
45 the way they define this here actually writes our
46 regulation, that's not what they're asking us to do. All
47 we're doing is interpreting a word. Defining a word.

48

49 MR. CLARK: What they're asking you to do,

50 Bill, is to define a term in regulation and defining a term

00046

1 in regulation is much different than a term in general
2 usage. It has to be more specific for the particular
3 application in a regulation for the regulation to be
4 binding and that's the reason you make regulations is to
5 make them binding. If the regulations go out so broad that
6 they're not enforceable then there's no reason to have
7 them. I think you're making it harder than it really needs
8 to be.

9
10 CHAIRMAN THOMAS: No, I think you guys are.

11
12 MR. STOKES: The attorney wants to say
13 something.

14
15 CHAIRMAN THOMAS: Uh-oh, now, we're really
16 getting into a difficult situation. Front and center, Jim,
17 please.

18
19 MR. USTASIEWSKI: Mr. Chair, Jim
20 Ustasiewski, US Department of Agriculture. When lawmakers
21 write a statute or regulations or lawyers draft a contract,
22 the dictionary applies in general terms. If you're going
23 to use a term like bait.....

24
25 CHAIRMAN THOMAS: But.....

26
27 MR. USTASIEWSKI:the dictionary
28 definition of that term applies unless you write something
29 in like this regulation would that would, in effect, change
30 the general dictionary definition. So if you want the
31 dictionary definition, don't define it. Just leave it as
32 is and a court or lawyers would look at that and say, okay,
33 it means what it means in the dictionary. You only define
34 it in a regulation like this if you want it to mean
35 something slightly different than what it means in the
36 dictionary. If there's some specific circumstance that you
37 need to address in subsistence management that requires a
38 different take on the use of the term, bait.

39
40 If I may, I actually found this definition
41 to be a little bit confusing myself. On the one hand it
42 says you exclude a scent lure, but it also says it's
43 material that is used to attract an animal by its sense of
44 smell. And not being a trapper, I don't know -- the term,
45 scent/lure to me, would mean something that you attract an
46 animal by its sense of smell.

47
48 CHAIRMAN THOMAS: Yeah.

49

MR. USTASIEWSKI: So I think the definition

00047

1 is a little vague, but I think we only need it if we're
2 going to depart from the standard dictionary definition.
3 If you want to stay with the dictionary definition, then
4 there should be no change, there should be no additional
5 definition.

6
7 CHAIRMAN THOMAS: I don't have a problem
8 with that and I appreciate your input. But if you don't
9 mean, bait, don't use the word, bait, you know, find
10 something appropriate to put in there. It's as simple as
11 that.

12
13 Dave.

14
15 MR. JOHNSON: Mr. Chairman, one other
16 comment, the adoption of the -- if you look on Page 10, the
17 adoption of the proposed changes collectively would have no
18 negative impact on the qualified rural Alaskans taking
19 wildlife under these regulations. I think that's
20 important.

21
22 Secondly, adopting these regulations gives
23 a common framework and I think what we're trying to say
24 here is that if every Council came up with a definition of
25 bait or what should be used in lieu of that word, bait,
26 then you create more confusion statewide. So this was an
27 effort to bring consistency, even though we would agree
28 that there may be some problems with the "definition."

29
30 Lastly, it also, for the user gives the
31 same definition, with its problems, that the State
32 regulations have for those same terms so that if the
33 person's hunting under State regs or Federal regs,
34 airborne, bait, et cetera, are all the same and have the
35 same understanding. Otherwise, if I go hunting in Kotzebue
36 for caribou and I go deer hunting for black-tailed deer in
37 Klawock, now I've got to have my dictionary or attorney or
38 somebody to tell me the differences in the same terms.

39
40 CHAIRMAN THOMAS: And you don't think this
41 one does that?

42
43 MR. JOHNSON: I think that if it's
44 statewide.....

45
46 CHAIRMAN THOMAS: I didn't ask for the
47 word, if, yes or no?

48
49 MR. JOHNSON: No.

00048

1 CHAIRMAN THOMAS: Okay. Okay, I'm not
2 going to pursue it beyond this, but, bait, now, let's see
3 if this sounds like bait to you. Any material, excluding a
4 scent lure that is placed to attract an animal by the sense
5 of smell or taste, however, those parts of legally taken
6 animals that are not required to be salvaged which are left
7 at the kill site are not considered bait. Plain and
8 simple.

9
10 (Laughter)

11
12 CHAIRMAN THOMAS: Okay, what's the wish of
13 the Council, adopt the proposal?

14
15 MS. GARZA: Mr. Chairman.

16
17 CHAIRMAN THOMAS: Dolly.

18
19 MS. GARZA: It's my intent to vote for the
20 proposal. While there is some confusion and I'm not a
21 trapper, I think that the people who brought these forward
22 are trappers and I think they brought this forward with
23 trying to clarify some issues that they must have, and so I
24 have to believe that that region did a good job and did
25 their homework when they submitted this proposal change.

26
27 CHAIRMAN THOMAS: Okay. Lonnie.

28
29 MR. ANDERSON: Mr. Chairman, is that a.....

30
31 CHAIRMAN THOMAS: She spoke in favor of.

32
33 MR. ANDERSON: I would second Dolly's
34 motion.

35
36 CHAIRMAN THOMAS: That part's already been
37 done. You're speaking in favor of the motion?

38
39 MR. ANDERSON: In favor of the motion.

40
41 CHAIRMAN THOMAS: John.

42
43 MR. LITTLEFIELD: Mr. Chair, a point of
44 information is, we're only discussing bait right now, I
45 will support these definitions. But I'm wondering what the
46 protocol was on -- we hadn't talked about any of the
47 others.

48
49 CHAIRMAN THOMAS: Well, the motion was made

50 to adopt the proposal.

00049

1 MR. LITTLEFIELD: Right, which includes
2 airborne.

3
4 CHAIRMAN THOMAS: We're in discussion, so
5 your discussion is in order.

6
7 MR. LITTLEFIELD: Okay, Mr. Chairman, I
8 read through this and I didn't have any problem with any of
9 the definitions, all four of them so I will be voting for
10 it.

11
12 CHAIRMAN THOMAS: Okay. So it looks like
13 we're ready for the question.

14
15 MR. ANDERSON: Mr. Chairman, I'd call for
16 the question.

17
18 CHAIRMAN THOMAS: Question's been called.
19 All those in favor say aye.

20
21 IN UNISON: Aye.

22
23 CHAIRMAN THOMAS: Those opposed.

24
25 (No opposing votes)

26
27 CHAIRMAN THOMAS: That motion carries.
28 That takes us to Number 2, eliminate the antlerless deer
29 harvest.

30
31 MS. GARZA: Mr. Chairman, following proper
32 protocol, I would move to support.

33
34 CHAIRMAN THOMAS: It's been moved to adopt.
35 Is there a second?

36
37 MR. STOKES: I'll second it.

38
39 CHAIRMAN THOMAS: Moved and seconded.
40 Okay, discussion. Let's start with the list. Fred.

41
42 MR. CLARK: Mr. Chairman, you're looking
43 for the analysis?

44
45 CHAIRMAN THOMAS: Yeah.

46
47 MR. CLARK: That would be Dave.

48
49 CHAIRMAN THOMAS: Dave. Cal. Somebody.

00050

1 (Laughter)

2

3 MR. JOHNSON: Okay. Mr. Chairman, the
4 proposed regulations would submitted by the East Prince of
5 Wales Advisory Committee to change the current number of
6 deer from three antlered deer and one antlerless deer to
7 four antlered deer.

8

9 The recommendation is to not support the
10 proposal. The state of Alaska supports it. We have
11 comments from -- written public comments from Point Baker
12 and also as part of the Sumner Strait Advisory Committee
13 also in support of the proposal.

14

15 CHAIRMAN THOMAS: Thank you. Department.
16 Does the Department have a rep here to speak on this?
17 Okay, other agency comments. Summary of written comments.

18

19 MR. CLARK: Mr. Chairman.

20

21 CHAIRMAN THOMAS: Fred.

22

23 MR. CLARK: Gretchan Goldstein in Point
24 Baker, Alaska writes on behalf of the Sumner Strait Fish
25 and Game Advisory Committee in support of this proposal.
26 Sumner Strait Fish and Game Advisory Committee believes
27 that deer population on Prince of Wales Island has declined
28 to the point of not being able to support a hunting season.

29

30 That concludes the written public comments,
31 Mr. Chairman.

32

33 CHAIRMAN THOMAS: Thank you. Public
34 comment on Proposal 2.

35

36 MR. CLARK: Three.

37

38 CHAIRMAN THOMAS: Two or three or four --
39 three. Okay, seeing none, what's the wish of the Council.

40

41 MS. GARZA: Mr. Chair.

42

43 CHAIRMAN THOMAS: Dolly.

44

45 MS. GARZA: Mr. Chairman, I will not be
46 supporting this proposal. We have had it in one from or
47 another several times before this Council. And if we look
48 at Fred's list of things we should consider, you know, is
49 there a conservation concern? I don't believe that there

50 is. Will it reduce subsistence opportunity if it's passed?

00051

1 It will reduce subsistence opportunity. It's one of the
2 most controversial issues that we've had to address and I
3 really don't want to drag it out again because we have
4 always voted to continue to allow this opportunity because
5 generally speaking, Prince of Wales has wanted this
6 opportunity.

7
8 So I will be speaking against the proposal.

9
10 CHAIRMAN THOMAS: Further comments.
11 Lonnie, you got your light on. Oh, your light's out.

12
13 MR. ANDERSON: I was going to say she.....

14
15 CHAIRMAN THOMAS: She took the words out of
16 your mouth?

17
18 MR. ANDERSON: She took the words out of my
19 mouth.

20
21 CHAIRMAN THOMAS: Okay.

22
23 MS. PHILLIPS: Mr. Chairman.

24
25 CHAIRMAN THOMAS: Patty.

26
27 MS. PHILLIPS: I also will not be
28 supporting this proposal. But I am concerned, on Page 25,
29 under the analysis, it states that Alaska Department of
30 Fish and Game maintains their objective is to manage for
31 deer populations in excess of 45 deer per mi squared of
32 winter range of Unit 2. And it goes further to say, in
33 1999/2000 the desired deer density was not met in Unit 2.

34
35 MS. GARZA: What page are you on?

36
37 MS. PHILLIPS: Page 25, second paragraph.
38 And that in 1998 and '99, deer densities calculated an
39 average 29 deer per mi squared, and then in '97 and '98
40 averaged 25 deer per mi squared.

41
42 CHAIRMAN THOMAS: Okay.

43
44 MS. PHILLIPS: So that, to me, is a
45 documentation that the stock isn't meeting the objective of
46 45 deer per mi squared.

47
48 Years ago this Council moved to non-
49 Federally qualified subsistence users are restricted to

50 hunt and we tried to eliminate their harvest. Reduce their

00052

1 harvest and eliminate the antlerless deer harvest. The
2 reason this did not pass the Federal Subsistence Board is
3 that there was no data to support a decline in deer
4 populations. The analysis before us shows that there is a
5 declining deer density.

6
7 CHAIRMAN THOMAS: Just a minute. In the --
8 when they were discussing wolf, they provided a map of Unit
9 2, take a look at Page 41. Everything you hear about Unit
10 2 is actually more specifically referring to an area -- if
11 you draw a line between Klawock and Hollis and then on to
12 Point Baker, and that's just on Prince of Wales. Those
13 close islands, those close islands are not reflected in
14 this information. That's all part of the district. That's
15 all part of the unit. And if they can't get it from a
16 truck they're not going to get one, so that's how it works.

17
18 So if this was a reflection of an honest
19 Unit 2, data, I would really be concerned about
20 conservation but that's not the case and I would vote
21 against it as well.

22
23 Anybody else.

24
25 MS. WILSON: Mr. Chair.

26
27 CHAIRMAN THOMAS: Marilyn.

28
29 MS. WILSON: Yeah, Mr. Chairman, on Page
30 26, I guess this proposal was brought forward by Thorne Bay
31 Fish and Game Advisory, but it has this information that
32 more than half of the does harvested in Unit 2 in 1999 and
33 2000 were taken near Thorne Bay, and 26 percent of the deer
34 harvested near Thorne Bay were does. And last year the
35 does harvested were well distributed across the unit, 18
36 percent taken near Thorne Bay, 27 -- I don't know how to
37 pronounce that, Naukati Bay and 23 percent taken near Whale
38 Pass. It seems to me that a lot of the does are taken
39 right near Thorne Bay, so I can see why they're worried.
40 So does that have any bearing on the whole population?

41
42 CHAIRMAN THOMAS: By all means.

43
44 MS. WILSON: Because if I was living there
45 I might do the same thing. I might bring a proposal
46 forward to say, hey, let's not kill anymore does.

47
48 CHAIRMAN THOMAS: If you were living there
49 and we told you you couldn't kill does, you'd kill us.

00053

1 (Laughter)

2
3 CHAIRMAN THOMAS: John.

4
5 MR. LITTLEFIELD: Mr. Chairman, I will not
6 be supporting this proposal and for several reasons. One
7 is that this will reduce the opportunity for bonafide C&T
8 users to harvest the resource. And secondly, no
9 restrictions have been made in the State regulations which
10 still allow you to hunt and take deer. If there was, in
11 fact, a biological reason for the decline, then the State
12 should be the first to reduce theirs before we reduce the
13 opportunity for subsistence users.

14
15 CHAIRMAN THOMAS: Okay. The Chair is
16 entertaining a motion -- well, we made the motion, I'm
17 entertaining a call for the question.

18
19 MR. LITTLEFIELD: I'll call for the
20 question.

21
22 CHAIRMAN THOMAS: Question's been called
23 for. All those in favor of adopting say aye.

24
25 (No aye votes)

26
27 CHAIRMAN THOMAS: All those opposed, say
28 no.

29
30 IN UNISON: No.

31
32 CHAIRMAN THOMAS: That motion fails. Okay.

33
34 MR. JOHNSON: Mr. Chair.

35
36 CHAIRMAN THOMAS: Dave.

37
38 MR. JOHNSON: Proposal 4 and Unit 4.

39
40 CHAIRMAN THOMAS: Would you please wait for
41 the Chairman.

42
43 MR. JOHNSON: I'm sorry, Mr. Chairman.

44
45 MR. KOOKESH: Page 31.

46
47 CHAIRMAN THOMAS: Thank you. Don't
48 embarrass me. Thank you, I'm up with you now. Dave.

49

MR. JOHNSON: Mr. Chairman, the Proposal 4

00054

1 deals with shooting from a boat and it was submitted by the
2 Staff to bring the Federal regulations for shooting from a
3 boat into compliance with our understanding from the
4 Solicitor's office and from OGC that, although the Federal
5 Subsistence Board passed the regulation to provide for
6 shooting from a boat in Southeast, once we assumed
7 jurisdiction for fisheries that we were excluded from
8 shooting from a boat in saltwater. You could still shoot
9 from a boat in fresh water. Well, the current
10 interpretation is that we do not have jurisdiction in
11 saltwater and unfortunately for most of the people hunting
12 from a boat in Unit 4, they hunt on the beach which is
13 adjacent to saltwater.

14
15 So in efforts to bring us into alignment
16 and to make folks that shoot from a boat legal in
17 Southeast, we wanted to adopt this regulation so that
18 folks, in fact, would still be able to hunt from a boat,
19 but not in saltwater, because current State regulation says
20 that's their jurisdiction and there's been at least one
21 person that was prosecuted under that regulation. We took
22 this before the Board of Game in hopes that they might
23 change their regulation to allow for shooting from a boat
24 in Southeast, Units 1 through 5, particularly Unit 4, but
25 they have tabled that until their fall meeting in November
26 in Kotzebue, and so that's why you have this proposal
27 before you.

28
29 CHAIRMAN THOMAS: Okay, thank you. Right
30 now a motion's in order.

31
32 MR. ANDERSON: Mr. Chairman, I would vote
33 against this motion.

34
35 CHAIRMAN THOMAS: We need a motion to the
36 proposal itself and then get into the discussion.

37
38 MR. ANDERSON: Mr. Chairman, I make a
39 motion that this be adopted.

40
41 CHAIRMAN THOMAS: Is there a second?

42
43 MR. STOKES: I'll second it.

44
45 CHAIRMAN THOMAS: It's been moved and
46 seconded. Okay, the comments we heard from Staff will be
47 considered part of our discussion and -- and let me look at
48 my protocol list here. Did Staff have anymore to include
49 in this at this time? Fred.

00055

1 MR. CLARK: Mr. Chairman, we haven't went
2 over the written public comments.

3
4 CHAIRMAN THOMAS: Excuse me?

5
6 MR. CLARK: We haven't dealt with the
7 written public comments yet, are we out of order?

8
9 CHAIRMAN THOMAS: No. You're the first on
10 the docket and then we move into Department. So you're in
11 fine shape, you're number -- public comment is number 5 out
12 of 6.

13
14 MR. CLARK: Right, we've moved into number
15 6 directly from number 1, Mr. Chairman. We've done the
16 introduction of proposal and analysis, but we haven't done
17 Department of Fish and Game comments, other agency
18 comments, summary of written public comments or public
19 comments.

20
21 CHAIRMAN THOMAS: Right. You say we went
22 from one to six, nobody from public testified yet.

23
24 MR. CLARK: Well, the Council has already
25 gone into Council deliberations in making a motion.

26
27 CHAIRMAN THOMAS: Oh, I see, okay, you're
28 right, for a change.

29
30 (Laughter)

31
32 MR. CLARK: Thanks, Bill.

33
34 CHAIRMAN THOMAS: Okay, anything else
35 that's more complimentary than criticism? Nels.

36
37 MR. LAWSON: Are you up to public comments
38 yet, Mr. Chairman?

39
40 CHAIRMAN THOMAS: Not yet. Not yet. I'll
41 let you know. John.

42
43 MR. LITTLEFIELD: Mr. Chair, I move to
44 table.

45
46 CHAIRMAN THOMAS: It's been moved to table,
47 is there a second? Hearing no second, we're into
48 Department comments.

49

MS. GARZA: Mr. Chairman, could we have a

00056

1 five minute break?

2

3 CHAIRMAN THOMAS: For the purpose? Okay,
4 request break, five minutes.

5

6 (Off record)

7

8 (On record)

9

10 CHAIRMAN THOMAS: Any further adjustments
11 to the way the Chair is doing business will result in early
12 adjournment.

13

14 (Laughter)

15

16 CHAIRMAN THOMAS: And I was informed that
17 Mr. Johnson was very much out of character when he was
18 discussing bait. Because the only way he gets anything is
19 by running over it. So that went clear over my head until
20 it was brought to my attention, and very appropriately so.
21 What do you got to say in your defense?

22

23 MR. JOHNSON: I don't have anything to say
24 in my defense, Mr. Chairman, but I would like to make a
25 clarification on the current proposal before the Council.

26

27 The clarification is that the current
28 proposal would eliminate shooting from a boat, any boat, in
29 any waters in Unit 4. And I don't think I made that clear
30 before.

31

32 CHAIRMAN THOMAS: Okay.

33

34 MR. JOHNSON: And the second thing is that
35 the reason for the change is because when we assumed
36 jurisdiction for fisheries in '99, that resulted in a
37 change in the provision for shooting from a boat in marine
38 waters.

39

40 CHAIRMAN THOMAS: Okay. Let me interject
41 something. I got 43 requests to speak on this proposal and
42 some of what you're sharing now will probably give you more
43 opportunity to be more eloquent and truthful about what the
44 actual situation is, if you would, please.

45

46 Okay, was there anybody from the Department
47 to speak on this? Department, Fish and Game? Okay. How
48 about other agency comments? Summary of written public
49 comments. Fred.

00057

1 MR. CLARK: Mr. Chairman, Jeb Strong of
2 Tenakee Springs writes in opposition to this proposal
3 stating that the existing regulation reflects the reality
4 of how subsistence hunters harvest ungulates and that by
5 banning shooting from a boat probably not affect how people
6 hunt for meat.

7
8 That concludes the written public comments.

9
10 CHAIRMAN THOMAS: Thank you. Public
11 comment. We'll hear from Mr. Mark Jacobs on Proposal 4.
12 Mark, push your button.

13
14 MR. JACOBS: Thank you. My name is Mark
15 Jacobs, Jr. I'm 77 years old. I speak in favor of persons
16 like myself to take deer from the boat.

17
18 I used to hunt when I was younger, the
19 mountain top in September is the best meat there is. But
20 nowadays, I have to sign papers for proxy hunting for
21 myself and it looks like I can walk, good physical
22 condition, but I can't walk very far. I've had several
23 major surgeries and I'm very short-winded and you can see a
24 scar on my neck because of a blood clot that was removed.
25 And I still have nostalgic feelings about hunting the
26 mountain tops and it was a sport to me to pack out a big
27 one.

28
29 Shooting from a boat is not going to
30 endanger the population. I've heard comments about they
31 don't like bloodshot meat, but I make sure that I don't
32 spoil my meat when I shoot. I take home good meat. And
33 nowadays I'm getting some bloodshot meat because of proxy
34 hunter. I have myself on a list to get some venison when
35 the season's open and some will donate to me. This last
36 year I had a -- signed a proxy hunt and I got only enough
37 for one meal. Then I had one from Angoon, a whole deer and
38 a half, that's the most meat I got this last fall, and I
39 need a lot more than that. Because it is a staple item, I
40 usually have my freezers full for winter use. But I think
41 there are many in my category that can no longer pack or
42 even hike. Uphill is a problem for me today. That's the
43 reason I would say allowing shooting from a boat.

44
45 I think there's more bloodshot that comes
46 from a hilltop. I was walking up a ridge one day and I
47 heard a lot of shooting up ahead and I met the guys, two
48 guys blaming each other, you shot the tail off and the
49 other one says, no, you shot it off.

00058

1 (Laughter)

2

3 MR. JACOBS: The poor deer was shot to
4 pieces and they were not shooting from a boat. See what I
5 mean? So if you want good meat, don't bloodshot it and
6 allow people like myself to use a boat because I know, I
7 make sure I'm not too far away and I make sure it's a good
8 target. It used to be that State regulations it's almost
9 the boat is beached, resting on the beach and then I see a
10 regulation that the boat is not moving by mechanical power.
11 I think both are possible and a good regulation for people
12 like myself.

13

14 Thank you.

15

16 CHAIRMAN THOMAS: Mr. Nels Larson, Proposal
17 4.

18

19 MR. LAWSON: Thank you, Mr. Chairman,
20 members of the Council. My name is Nels Lawson. I reside
21 in Sitka. I'm an avid subsistence user.

22

23 I rise in opposition to Proposal 4.
24 Regardless of the State's position of this, harvesting deer
25 by subsistence users is not a wasteful means of harvest.
26 Many of us who utilize the subsistence resource utilize the
27 resource in a non-wasteful manner.

28

29 With regard to harvesting a deer on the
30 beach from the boat, we are trained how to shoot, what to
31 shoot at, take our target into consideration and what's
32 behind the target into consideration before we ever aim and
33 fire a rifle. I've been trained this way as my children
34 are trained. It's probably not any news to the Council, my
35 children not only harvest deer from the beach when they can
36 also hit an object as small as the head of an otter in the
37 bucking sea and shoot a sea otter in the head regardless of
38 the sea conditions. That's how well trained our people
39 are.

40

41 Another consideration is the current habit
42 of the deer. It's been noted by many of us that spend a
43 lot of time out where the deer are and along the shoreline
44 that the deer themselves are becoming well trained with
45 regard to speed boats. We have observed from time to time,
46 that whenever a speed boat is nearing where the deer are on
47 the beach, they move back into the woods out of the way.
48 We have even observed deer that are on the beach and they
49 will see the speed boat from afar off and not pay any

50 attention until the speed boat slows down. They do this

00059

1 because they notice when the speed boat approaches them
2 they're going to get shot at.

3
4 With regard to the population, it is my
5 belief and observation of spending time out into the woods
6 where the deer are is that the weather plays a more
7 important role on the deer numbers. The hunter population
8 has not risen to the point where it endangers the deer
9 population. We feel that the elimination of legal harvest
10 from the boat on Federal lands will reduce the subsistence
11 opportunities.

12
13 Thank you, Mr. Chairman. Thank you,
14 Council.

15
16 CHAIRMAN THOMAS: Thank you, Nels.
17 Questions, anybody.

18
19 MR. STOKES: I have a question.

20
21 CHAIRMAN THOMAS: Dick.

22
23 MR. STOKES: Well, I'm in favor of this
24 motion because the regulation would read disabled and like
25 myself, I am disabled. I have a State permit to shoot from
26 the boat and it would be the same with the Federal. It
27 doesn't say anything about the average hunter going out to
28 hunt. But it says that except for persons certified as
29 disabled. So it wouldn't take in the average hunter. Do
30 you agree with me?

31
32 MR. LAWSON: The disabled hunters have been
33 allowed to harvest from a boat for a long time. However,
34 the general public has not been allowed to do that until it
35 was arrived at by the Federal subsistence regulations. And
36 speaking in favor of the current regulations I'm speaking
37 in opposition to the proposal.

38
39 CHAIRMAN THOMAS: Okay, Dick, you didn't
40 ask a question, you're getting into deliberations, we're
41 going to save that for later.

42
43 MR. STOKES: Yeah, I was asking -- see,
44 there'd be two different regulations. One for Federal and
45 one for State. And I know the State has allowed hunting
46 from a boat for a long time.

47
48 CHAIRMAN THOMAS: Dick. Dick.

49

MR. STOKES: Because I've had it for, you

00060

1 know, for 15 years.

2

3 CHAIRMAN THOMAS: I'm going to rule you
4 out, that's part of deliberations for the Council. He's
5 just making comments.

6

7 MR. STOKES: I apologize.

8

9 CHAIRMAN THOMAS: You're all right.
10 Somebody else made a mistake today, too. Okay, no further
11 questions, thank you Nels.

12

13 MR. LAWSON: Thank you, Mr. Chairman.

14

15 CHAIRMAN THOMAS: I got law enforcement
16 people in the house so if anybody needs help, you let me
17 know. Speaking of Hope.

18

19 MR. HOPE: Mr. Chairman, I thought I was
20 going to hear an original one today in reference to my last
21 name.

22

23 CHAIRMAN THOMAS: Well, like your dad used
24 to say, as long as I'm around there's always Hope.

25

26 MR. HOPE: There's Hope in the house.

27

28 (Laughter)

29

30 MR. HOPE: Thank you, Mr. Chairman. I'm
31 here to stand in opposition of Proposal No. 4. The Sitka
32 Tribe of Alaska tribal council met last night and
33 deliberated this particular proposal for the specific
34 purposes of testifying today. Later on, I believe, some of
35 the tribal staff will be testifying regarding some of the
36 further detail on the deliberation that the staff had and
37 the tribal council had last night. The tribal council
38 voted to oppose this.

39

40 And it's interesting that there would be
41 strong concern regarding the Sate trying to align the
42 Federal regulation with State regulation. It seems in the
43 process our tribal citizens would lose once again. You
44 heard Mr. Jacobs testify, he's a tribal citizen of the
45 Sitka Tribe and there are many others. While I cannot sit
46 down and provide statistical data regarding how many would
47 be in Mr. Jacobs case, clearly there would be numerous.
48 Therefore, we are very, very concerned about the strong
49 negative impacts in livelihood and in the -- while it's

50 termed subsistence at the Tribe, speaking of definitions,

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1 we prefer to use customary and traditional use, which is
2 also part of the regulation language that you have at your
3 beck and call. Therefore, because of the undue hardship
4 and harm that it will do to our tribal citizens, we have to
5 be very firm in our opposition towards Proposal No. 4.

6
7 CHAIRMAN THOMAS: Thank you.

8
9 MR. HOPE: Thank you, Mr. Chairman. Also,
10 Mr. Chairman, if I could make a brief announcement.

11
12 CHAIRMAN THOMAS: Okay.

13
14 MR. HOPE: I recognized that there was no
15 coffee and apparently whoever is supposed to be sponsoring
16 coffee wanted to only purchase one pot today, so I took the
17 liberty of contacting the tribal offices and they gave the
18 green light to go ahead and get some more coffee here, so
19 we'll sponsor one for today and hopefully, if we need one,
20 tomorrow as well.

21
22 CHAIRMAN THOMAS: Thank you, appreciate
23 that. But if they're going to sponsor one today it's going
24 to have to be instant. Jack.

25
26 MR. LORRIGAN: Good afternoon, Mr.
27 Chairman, Council members. My name is Jack Lorrigan. I'm
28 the biologist for the Sitka Tribe and would like to go on
29 record opposing Proposal No. 4. The council voted on it
30 last night, they felt that it was an issue that they needed
31 to stand firm on. It was -- it's been debated in this
32 community in the past and I think it's something they want
33 to maintain.

34
35 We feel that there is no biological
36 evidence to support this proposal. It's basically a
37 paternalistic move by the Forest Service to protect us from
38 the State regs, we feel it's not in -- it's not defending
39 the tribe's stand on subsistence. The State regs are sport
40 hunting methods that were applied to the Natives of this
41 country when Alaska became a state, it didn't take into
42 account customary and traditional of taking deer in the
43 easiest means.

44
45 Most of the hunters in this community are
46 really good shots. I've witnessed some amazing examples of
47 marksmanship. Barring that, as a testimony, the issue of
48 whether or not this is detrimental to the deer population
49 is mute because winter kills far more deer than hunters in

50 this community ever will. The State has historically not

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1 obliged customary and traditional users for anything in the
2 past and that's why the Feds have had to take over
3 subsistence in Federal lands, because the State has not
4 conformed to the traditional methods of the tribes in the
5 different communities around the state.

6
7 So we feel that this proposal is something
8 that should -- that the Federal Subsistence Board should
9 stand by and wait for the jurisdiction to be decided in the
10 courts and not give up right away because it may be a
11 precedence for the State to say, hey, look, they gave up on
12 the stance that the Regional Council Advisory meeting,
13 what's to say that they won't give up on more. I don't
14 think that's something we want to see.

15
16 Thank you.

17
18 CHAIRMAN THOMAS: Does the Tribe have a
19 legal representative here?

20
21 MR. LORRIGAN: Yes, we do.

22
23 MS. GARZA: Mr. Chair.

24
25 CHAIRMAN THOMAS: Dolly.

26
27 MS. GARZA: So, Jack, from your discussions
28 with other hunters, is there confusion about whether or not
29 hunters can hunt from boats?

30
31 MR. LORRIGAN: No, everybody's pretty clear
32 what's going to happen if the Federal or the law
33 enforcement's around. They know that it's -- the State
34 doesn't look kindly on it and I don't know what the Forest
35 -- I'm not sure what the Forest Service is supposed to do
36 if they witness it, but I think it's going to continue. I
37 think people are going to be a lot more cautious about
38 doing it in front of other boats, they don't want to get
39 reported, but I think it's not going to stop.

40
41 MS. GARZA: So do Sitka people hunt for
42 other resources from a boat other than deer?

43
44 MR. LORRIGAN: Yes. We hunt sea otters and
45 seals and sea lions and usually you have to access them
46 with a boat in choppy water and people have been pretty
47 successful in gathering those resources historically.

48
49 MS. GARZA: And have there been any

50 accidents because of those hunts, to your knowledge?

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1 MR. LORRIGAN: To my knowledge I haven't
2 heard of anything.

3
4 MS. GARZA: Do you know whether or not
5 Sitka Tribe or any group from Sitka will be going to that
6 Board of Game meeting to try and align the Board of Game
7 with the Federal position?

8
9 MR. LORRIGAN: I hope so. I don't know
10 yet. I haven't talked to anybody about that yet.

11
12 MS. GARZA: Thank you.

13
14 CHAIRMAN THOMAS: Anybody else? Thank you,
15 Jack.

16
17 MR. PATE: Thank you, Mr. Chairman, Board
18 members, Staff. My name is Jude Pate. I am legal council
19 for Sitka Tribe and I'm here representing Sitka Tribe and
20 Mr. Albert Duncan.

21
22 I urge you to reject Proposal No. 4. If
23 you look on the draft analysis provided by the Staff, it's
24 remarkable that there is no conservation concerns or
25 customary and traditional use opportunity reasons cited for
26 this change, it's strictly one of law. So therefore, where
27 I normally wouldn't feel in my element, I do on this one
28 and I tell you that the justifications of law given for
29 this proposal are flawed, to say the least.

30
31 If you look at Page 33, under issues,
32 there's two reasons given that this regulation should
33 change. The first one is that the current regulation
34 specifically allows subsistence users to shoot deer from a
35 boat in Unit 4, but the regulation does not apply to marine
36 waters of the Tongass National Forest and it cites Section
37 242.3(b)(28), and then it says, that for this reason --
38 since subsistence users in Unit 4 shoot deer from boats in
39 marine waters only, this Federal regulations fulfills no
40 purpose. That is patently untrue. Marine waters is
41 defined in your own regulations, in the same regulations as
42 up to the mean high tide mark. Well, everybody knows the
43 water goes higher than mean tide and very often people take
44 their boats up when the tide's higher and shoot from those
45 waters. Those are marine waters -- excuse me, those are
46 saltwaters but they are not marine waters under the
47 definition, therefore, the statement that this regulation
48 serves no purpose is untrue. You can hunt from a boat
49 exclusively on Federal land when your boat is above the

50 mean high tide land, therefore, this regulation does serve

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1 a purpose.

2
3 The second reason that this analysis is
4 flawed and that the statement that it serves no purpose is
5 wrong is because the deer is usually on Federal land. And
6 let's say the boat is on State waters, it's State and
7 Federal jurisdiction, it's concurrent. They both have
8 jurisdiction over the action. What happens when there's a
9 conflict between State and Federal law? Federal law wins.
10 That's the Supremacy Clause, that's what the Civil War was
11 about. That's what should happen here, is the State
12 regulation should bend to the Federal regulation.

13
14 The second reason given on Page 33, the
15 justification is the confusion. Eliminate confusion about
16 the ability to shoot and it protects subsistence hunters
17 from inadvertently violating State laws. Well, it was
18 mentioned earlier by one of the Board members or one of the
19 Staff that there was a person who's already been prosecuted
20 and charged and I happen to represent that person in the
21 court of law and that was Mr. Albert Duncan, and I am here
22 representing him, and I'm here to tell you that he doesn't
23 want this protection. He doesn't want you all to change
24 this regulation. He wants you -- he's willing to risk
25 being prosecuted in order to stand for what's right in his
26 mind.

27
28 I'd ask you to reject this proposal. I
29 intend on being up in Kotzebue to the Board of Game if you
30 all should decide to keep the regulation as it is. I would
31 ask for a clarification, an interpretation during your
32 deliberations, if you choose to reject Proposal No. 4 and
33 keep the regulation the way it is, I'd ask that you
34 respond, and either reaffirm or interpret the premise that
35 gave the Board confidence that the regulation would be
36 appropriately applied in the sense that the premise of the
37 taking of a deer referred to where the animal was standing
38 and not from where the hunter was shooting; if that's your
39 intent. If your intent is to protect subsistence rights,
40 when deer are taken, standing on Federal land, I'd like
41 that to be made clear. I think that would help.

42
43 I do thank you, Mr. Chairman, Board
44 members, and Staff. Thank you for this opportunity.

45
46 CHAIRMAN THOMAS: Thank you, Jude. Point
47 of clarification, we don't have an intent up to this point.
48 It's a proposal that is brought to us, so we don't have a
49 preconceived notion. I'm the only one that does.

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1 (Laughter)

2

3 CHAIRMAN THOMAS: So I just wanted to
4 clarify that because it's going to be part of the
5 transcript and from this point on, we will be taking a
6 position on this. I want to thank all the people who
7 presented comments. Thank the Staff for their analysis.
8 And is there any questions for Mr. Pate?

9

10 MS. GARZA: Mr. Chairman.

11

12 CHAIRMAN THOMAS: Dolly.

13

14 MS. GARZA: So, Jude, did you have any
15 draft language for taking a position on whether or not the
16 regulation should -- what did you say, reflect where the
17 animal was standing versus where the hunter was standing?

18

19 MR. PATE: Ms. Garza, I believe under --
20 it's the same section, .4 of your regulations, that's one
21 of the last definitions. It says, take or taking, used
22 with respect to fish or wildlife means, and it gives a
23 definition there. You could make it clear that it's
24 intended to protect or take is includes where the fish or
25 wildlife actually the physical location where the wildlife
26 is actually taken.

27

28 CHAIRMAN THOMAS: Further cross examine for
29 Jude? Marilyn.

30

31 MS. WILSON: Yes. I wanted to know about
32 the mean high tide and when do we usually hunt the deer,
33 low tide or high tide? And if they do hunt at high tide,
34 that would be considered over Federal land, right?

35

36 MS. PATE: Yes, ma'am. It's my
37 understanding that it's best to hunt at low tide because
38 the deer come down to nibble on goodies on the beach. But
39 people do hunt at high tide also and you're correct, if the
40 water is sufficiently -- if the tide is sufficiently high
41 enough.....

42

43 MS. WILSON: Uh-huh.

44

45 MR. PATE:on that day at that time,
46 your boat could be floating above Federal lands and even
47 the State Supreme Court, in Totemof recognized that their
48 jurisdiction only extends as high as the mean high tide
49 line.

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1 CHAIRMAN THOMAS: I see wheel's turning.
2 Anybody else? Thank you.

3
4 MR. PATE: Thank you, Mr. Chairman.

5
6 CHAIRMAN THOMAS: Wini.

7
8 MS. KESSLER: Mr. Chair, thank you. I'd
9 appreciate an opportunity to clarify the reasons the Forest
10 Service put forward this proposal because it doesn't seem
11 to be entirely clear amongst everybody in the room.

12
13 CHAIRMAN THOMAS: Okay.

14
15 MS. KESSLER: I want to start by saying
16 that we truly recognize the hunting of deer from boats as a
17 traditional, as efficient and as a totally acceptable
18 practice. And it's our intention to provide for that and I
19 hope there's no question about that. We accept this
20 practice.

21
22 The problem is that the current regulations
23 imply that it's our -- within our jurisdiction to grant
24 this right when, in fact, because we don't have
25 jurisdiction over marine waters, that is incorrect. So the
26 situation is that we feel by the implication is there that
27 we're saying this practice is legal, it's acceptable, it's
28 okay, we are placing hunters at risk for being prosecuted.
29 And that's a very bad situation to be in.

30
31 So it's our intention, again, to provide
32 for this traditional practice. There's different ways to
33 pursue that. The most direct way, which we've tried is to
34 go to the Board of Game and ask them to have their
35 regulations to come into consistency with the Federal
36 intention and that is -- we had -- in the best possible
37 world they would have found -- made a finding on that and
38 that would have been in our favor, but, in fact, they have
39 tabled that. There's other approaches that can be pursued.
40 For example, is it Mr. Pete, who just spoke, is that his
41 name?

42
43 MS. GARZA: Pate.

44
45 CHAIRMAN THOMAS: Mr. Pate.

46
47 MR. KESSLER: Pate. Pointed out that where
48 Federal and State laws or authorities come into conflict,
49 the Federal takes precedence; we certainly recognize that

50 and that is -- would need to be pursued in the event that

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1 the Board of Game does not find in our favor. But it's
2 going to require action at the level of the Secretary of
3 Agriculture and the Secretary of Interior and it's not
4 going to happen quickly. Yes, that is a solution that can
5 be sought, but it's not one that can happen quickly, it
6 would take some time. And so in the meantime we are left
7 with this situation where we feel the hunters are
8 vulnerable to being cited and to being prosecuted for this
9 traditional practice that we all agree is an acceptable one
10 but in fact, speaking from a Federal perspective, it is not
11 our -- we are not authorized to endorse that practice.

12
13 So I just wanted to clarify, you know, why
14 we put forward this proposal. Thank you.

15
16 CHAIRMAN THOMAS: So we have an
17 inappropriate regulation, is that what you're saying? It's
18 inappropriate because of.....

19
20 MS. KESSLER: Yeah, it implies an authority
21 that we don't have, correct.

22
23 CHAIRMAN THOMAS: Okay. Well, we'll leave
24 that for us to decide. Thank you.

25
26 MS. KESSLER: Thank you.

27
28 (Waiving to turn on microphone)

29
30 CHAIRMAN THOMAS: You don't have to be so
31 obvious. Dolly, you're obvious, too.

32
33 MS. GARZA: I'm very obvious. So would
34 this proposal, as it's written, how would it affect
35 customary and traditional hunting of say, moose, if you're
36 on the Alsek or whatever river you go up in Wrangell area?
37 Does that affect their ability to hunt since those are --
38 aren't those ungulates?

39
40 CHAIRMAN THOMAS: That would be in fresh
41 water so that would be Federal jurisdiction.

42
43 MS. GARZA: But this says that there would
44 be no hunting from boats for ungulates.

45
46 CHAIRMAN THOMAS: Good question.

47
48 MS. PHILLIPS: In Unit 4.

49

CHAIRMAN THOMAS: Yeah, Wini -- stay in the

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1 hot seat Wini.

2

3 MS. KESSLER: Yes, thank you for raising
4 that point. Clearly it's not the intention to say no
5 hunting from boats, but merely to recognize we don't have
6 jurisdiction over the marine. Probably this proposal
7 should have been stated differently. It would be modified
8 to somehow clarify that, we're only speaking to the marine
9 portion of the water base, we have no jurisdiction over --
10 it should continue to provide for hunting of ungulates from
11 freshwater. Perhaps we should have thought of that when we
12 wrote it but.....

13

14 CHAIRMAN THOMAS: Are we having definition
15 problems?

16

17 MS. KESSLER: Oh, yes.

18

19 (Laughter)

20

21 CHAIRMAN THOMAS: But we, clearly, one way
22 to approach it might be to modify it to make that clear
23 that we're not, in any way, seeking to restrict from the
24 access that you already have that's legal.

25

26 CHAIRMAN THOMAS: Thank you. A couple of
27 -- Wini, would you stay there please.

28

29 MS. KESSLER: Okay.

30

31 CHAIRMAN THOMAS: I got -- I don't know if
32 it was intended for me but it reached me, there's a couple
33 of notes here, it says, accepting the proposal would
34 eliminate shooting from fresh waters also. Was that the
35 intent?

36

37 MS. KESSLER: That's not the intent.

38

39 CHAIRMAN THOMAS: Okay. And then the next
40 person says, the way I read it, it represents only the
41 disabled. That's probably true.

42

43 MS. KESSLER: What is that, sorry?

44

45 CHAIRMAN THOMAS: The way I read it, it
46 represents only the disabled; that would be the State
47 provision.

48

49 MS. KESSLER: Oh, the State.

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1 CHAIRMAN THOMAS: Yeah.

2
3 MS. KESSLER: Yeah.

4
5 CHAIRMAN THOMAS: So if, in fact, the
6 existing language in the proposal would eliminate from
7 fresh water as well is becoming less attractive with the
8 Council.

9
10 MS. KESSLER: Understandable, yes.

11
12 CHAIRMAN THOMAS: Mark Jacobs. Thank you,
13 Wini.

14
15 MR. JACOBS: Thank you, Mr. Chairman.
16 Traditional knowledge. It's a known fact that after a hard
17 winter, heavy die-off, in the spring when the does begin to
18 produce fawns, most of the does will have twins and
19 triplets. In other words, the deer makes a fast comeback.
20 There is no danger of the deer being depleted today. When
21 the deer is overpopulated you'll find some deformed horns.
22 I think we have the healthiest deer on the face of this
23 earth. Keep the deer population stable by hunting. And
24 when there's a heavy kill, snow kill, winter kill then you
25 have the deer in excess, because we know from traditional
26 knowledge that the deer will make a fast come back when
27 their population is depleted.

28
29 Keep that in mind, thank you.

30
31 CHAIRMAN THOMAS: Thank you, Mark. So I
32 guess the word we're getting from everybody that is
33 speaking against this proposal, they've all indicated a
34 sense of responsibility, biological responsibility,
35 conservation, quality, all this kind of stuff. So I would
36 remind the Council to keep that in mind. What's the wish
37 of the Council?

38
39 MS. GARZA: We're deliberating now?

40
41 CHAIRMAN THOMAS: Uh-huh.

42
43 MS. GARZA: Mr. Chair.

44
45 CHAIRMAN THOMAS: Dolly.

46
47 MS. GARZA: I would speak against the
48 motion. As Jude Pate had pointed out, there is apparent no
49 conservation concern. And in terms of customary and

50 traditional uses, it would actually reduce the opportunity

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1 for hunters if they can no longer hunt from the boat. And
2 I know and have seen hunters do exactly what he said and
3 that's pull their boat up right on the beach and shoot. In
4 terms of safety, I was thinking, I think there is as many,
5 if not more hunters that have firearm accidents because
6 they are packing a gun up a mountainside that's loaded, and
7 so I can't really say that in terms of safety that it's
8 less safe to shoot from a boat than it is to be hunting
9 deer when you're up in the mountains.

10
11 So I would hope that we would vote this
12 proposal down but I also think we should talk about sending
13 a resolution or a letter or perhaps somebody up to the
14 Kotzebue meeting and to try and work with the Board of Game
15 so that they would amend their regulations to be in line
16 with us.

17
18 CHAIRMAN THOMAS: That will be an
19 appropriate motion after we dispose of this.

20
21 MS. GARZA: Thank you, Mr. Chair.

22
23 CHAIRMAN THOMAS: Thank you, Dolly. John.

24
25 MR. LITTLEFIELD: Mr. Chair, obviously I'm
26 going to oppose this motion. You heard all of the
27 testifiers from Sitka oppose this. We held three public
28 meetings in Sitka and virtually unanimous opposition to
29 this proposal. And if you look at the handout that was
30 given to us by Fred, under Item 2, the rationale for
31 recommendation that you should consider, and if you look at
32 those, A through D, A conservation concerns, we have a high
33 deer population. All of the biologists, every one will
34 tell you that winter kill is what determines the deer
35 populations in Sitka. A severe winter will kill off far
36 more deer than all of the hunters combined, so there is no
37 conservation concern right now. The deer are at high
38 levels.

39
40 B, subsistence opportunity. This will
41 decrease the opportunity for C&T users on saltwater and
42 fresh water.

43
44 C, kinds and quality of information. There
45 have been very little biological studies, if any. I asked
46 for State or Federal studies that could prove that there
47 was high mortality and they aren't forthcoming. They do
48 not exist. All of this is based on anecdotal data that a
49 lot of deer are being killed, we don't know that.

00071

1 D, any restrictions on non-subsistence use.
2 No, there aren't. Sport hunting still goes on in Unit 4.
3 You can still take four deer. If, in fact, there was a
4 threat to the resource we would act but right now there is
5 none. This thing is also patently unfair. We are the only
6 region, Southeast, Units 1 through 5, that are not allowed
7 to shoot from a boat, whether it be a moose or a caribou
8 and even a swimming caribou can be shot in some of the
9 regions in the north, this was a -- the reasons the
10 restriction on shooting from a boat in Southeast came about
11 is because of an unfortunate accident. But it was
12 political in nature. It has nothing to do with
13 subsistence, does not recognize customary and traditional,
14 long-term practices of the people of Sitka in Unit 4.
15

16 And I will hope that you will not support
17 this motion. Even though the Staff brought this forward,
18 and they felt it was their duty, I disagree with them on
19 their definition of marine waters. Even the marine waters
20 that I read right in the book, under definitions, if you
21 look at the second part of that, it says, seaward of a
22 straight line drawn from headland to headland across the
23 mouths, rivers or other waters as they flow to the sea. I
24 believe the case can be made to invoke Federal jurisdiction
25 anywhere, headland to headland. So I think these things
26 need to be, as Mr. Pate testified, the Feds need to invoke
27 their overriding authority, address the State, either
28 through protocols, whatever it takes and have them remove
29 that regulation that discriminates against the residents of
30 Southeast, Alaska.
31

32 Thank you.
33

34 CHAIRMAN THOMAS: Thank you, John.
35

36 MS. GARZA: Mr. Chair.
37

38 CHAIRMAN THOMAS: Dolly.
39

40 MS. GARZA: I just want to make one
41 clarification. So it's my understanding that if we vote
42 this proposal down it will not affect Dick's concern of his
43 ability to hunt from a boat because of disability?
44

45 CHAIRMAN THOMAS: That's correct.
46

47 MS. GARZA: So it has nothing to do with
48 the disability issue?
49

CHAIRMAN THOMAS: (Nods affirmatively)

00072

1 MS. GARZA: Okay.

2

3 CHAIRMAN THOMAS: John first and then
4 Marilyn.

5

6 MR. LITTLEFIELD: Okay, thank you, Mr.
7 Chairman. I would like to address Dick's concern, if I
8 could for a minute.

9

10 CHAIRMAN THOMAS: Sure.

11

12 MR. LITTLEFIELD: There are two regulations
13 on the book, on the State books right now. One of them is
14 a prohibition on shooting deer from a boat and it's 92.85
15 in Units 1 through 5 unless you are disabled. Okay, and
16 there is an overriding regulation that applies to all of
17 the state of Alaska, 92.8, that allows you to shoot from a
18 boat except there, in other words, so we're being
19 discriminated against. If you look in 92.80, there is no
20 reference at all to people who are disabled. So if the
21 State was to eliminate their prohibition against us
22 shooting deer from a boat, the physically disabled would
23 just disappear. It only appears in Southeast Alaska. So
24 if we go back to, just like the rest of the state, your
25 concerns will be addressed.

26

27 CHAIRMAN THOMAS: Marilyn.

28

29 MR. STOKES: Thank you.

30

31 MS. WILSON: I thought he was going to
32 talk.

33

34 MR. STOKES: No, just saying thank you.

35

36 CHAIRMAN THOMAS: He'd get in trouble.

37

38 MS. WILSON: Okay, I wanted to bring this
39 to everybody's attention. The way the existing regulation
40 states, it says, you may take ungulates from a boat; it
41 doesn't say fresh water or saltwater or anything. And so I
42 was wondering why the big deal? It just gets the hunters
43 confused, I guess, because when you go out to shoot and
44 you're on marine waters, you can get in trouble.

45

46 But I'm also against this.

47

48 CHAIRMAN THOMAS: Okay. Herman.

49

MR. KITKA: As a honorary lifetime member

00073

1 of the Federal Subsistence Board, do I have a right to
2 speak to this at this time?

3
4 CHAIRMAN THOMAS: You bet.

5
6 MR. KITKA: Okay, thank you. In the early
7 1900s, they done away with canoes, the ones they called
8 work canoes and they build framed ceiling boats, they were
9 50 foot and I had opportunity to be on a hunting trip on
10 one of them. And the way we done it from the boat, we
11 beached the boat, it was only done in October, this is what
12 my uncle said, in October the deer from the highlands is
13 down low and they're running on the beach sometimes into
14 the wood, everywhere we see a deer we stop and beach the
15 boat. And we use deer call and they come right to the boat
16 before it was shot. And one of our subsistence users, Al
17 Duncan, he has a boat and he was on the beach but he was
18 sitting in his chair doing the same thing, calling the
19 deer, the deer came out into the open on the beach and shot
20 it and State Fish and Wildlife happened to be in the
21 neighborhood, they arrested him. I tried to get him to
22 take them to court because it was our customary way of
23 hunting for centuries.

24
25 You must remember when we were using
26 canoes, grandfathers says the bow and arrow didn't shoot
27 very far so they called the deer to the boat before they
28 shot it with a bow and arrow.

29
30 And I oppose doing away with the way that
31 we hunt for our subsistence food.

32
33 Thank you.

34
35 CHAIRMAN THOMAS: Thank you, Herman.
36 What's the wish of the Council?

37
38 MS. PHILLIPS: Mr. Chairman.

39
40 CHAIRMAN THOMAS: Patty, turn on your mike.

41
42 MS. PHILLIPS: I just want to reaffirm what
43 Herman was talking about. The deer are in the rut in
44 October and you'll find them on the beach a lot. And I was
45 wondering if something could be put in the MOU to address
46 this sort of a conflict regulations? And there should be a
47 protocol established within the US Fish and Wildlife
48 Service or US Forest Service to aggressively pursue the
49 legitimate C&T status of shooting deer from a boat.

00074

1 On Page 36, Staff estimates as much as 85
2 percent of the deer harvested by subsistence users in Unit
3 4 are shot from boats. 85 percent of the deer shot are
4 still going to get shot from the boat.

5
6 Thank you.

7
8 CHAIRMAN THOMAS: Thank you, Patty. What's
9 the wish of the Council? Do we have a motion to adopt?

10
11 REPORTER: (Nods affirmatively)

12
13 CHAIRMAN THOMAS: Are we ready for the
14 question?

15
16 MR. ANDERSON: Call for the question.

17
18 CHAIRMAN THOMAS: Question's been called.

19
20 MR. ANDERSON: Can you explain to me the
21 voting procedure?

22
23 CHAIRMAN THOMAS: Okay, to vote yes would
24 adopt the proposal as it's written in your notebook. And
25 so if you want to adopt it like it's written in your
26 notebook, vote yes when I call for the votes.

27
28 If you don't support the proposal, then you
29 wait for me to call for opposition.

30
31 Any questions?

32
33 MR. LITTLEFIELD: Mr. Chair.

34
35 CHAIRMAN THOMAS: John.

36
37 MR. LITTLEFIELD: I believe that language
38 is the third bullet down on Page 31; is that correct?

39
40 CHAIRMAN THOMAS: Yep. All of you that
41 like that language raise your hand. Okay, now.....

42
43 MS. WILSON: Mr. Chairman.....

44
45 CHAIRMAN THOMAS: Yeah.

46
47 MS. WILSON:could you have the motion
48 read?

49

CHAIRMAN THOMAS: Could you read the

00075

1 motion?

2

3 REPORTER: The motion was only to support.

4

5 CHAIRMAN THOMAS: The motion would just be

6 to support.

7

8 MS. WILSON: Okay. I just wanted to clarify

9 that.

10

11 MS. GARZA: Call for the question.

12

13 CHAIRMAN THOMAS: Question's been called

14 for. All those in favor of getting rid of shooting from

15 the boat, say aye.

16

17 (No aye votes)

18

19 CHAIRMAN THOMAS: All those opposed say no.

20

21 IN UNISON: No.

22

23 CHAIRMAN THOMAS: Motion fails. What time

24 is dinner tonight?

25

26 MR. HOPE: Mr. Chairman, the fundraising

27 dinner tonight, I believe, starts around 6:00.

28

29 CHAIRMAN THOMAS: Okay.

30

31 MR. LITTLEFIELD: At ANB.

32

33 MS. GARZA: Mr. Chairman.

34

35 CHAIRMAN THOMAS: Dolly.

36

37 MS. GARZA: So there's an ANB fundraiser

38 tonight and then Sitka Tribe is hosting something tomorrow

39 night?

40

41 MR. HOPE: At 6:30 tomorrow night.

42

43 MS. GARZA: Okay.

44

45 MR. HOPE: Sitka Tribe will be hosting a

46 free -- a free hosted dinner tomorrow night.

47

48 MS. GARZA: Okay, last time we met in Sitka

49 everybody snuck out before the Sitka Tribe do, so that

50 better not happen again. So we have.....

00076

1 CHAIRMAN THOMAS: Well, not everybody, Road
2 Kill and I were there.

3
4 (Laughter)

5
6 MS. GARZA: We had said that we would talk
7 about the Board of Game meeting after we defeated this
8 motion.

9
10 CHAIRMAN THOMAS: Yeah, we can do that.
11 We'll do that, yeah.

12
13 MS. GARZA: Okay. And then also Jude Pate
14 had recommended some potential language change and I would
15 like to talk about that. I don't know if we should do that
16 tomorrow.

17
18 MR. ANDERSON: First thing in the morning.

19
20 MS. GARZA: Okay, as long as we don't
21 forget it.

22
23 CHAIRMAN THOMAS: Yeah, if you guys are
24 going to be presenting anything, try to get your homework
25 done tonight so that it will be ready for presenting
26 tomorrow. Fred.

27
28 MR. CLARK: Mr. Chairman, during the
29 training I mentioned this but I think that you were out of
30 the room so I wanted to bring it up for people again, is
31 that, the Park is trying to get together a tour for Council
32 members and members of Staff who want to go and that would
33 be tomorrow. It would probably have to be over lunchtime
34 or thereabouts. To make that happen, though, we'd probably
35 have to have a longer lunch than just an hour. So I just
36 wanted to.....

37
38 CHAIRMAN THOMAS: So we'll take lunch from
39 11:00 to 4:00 tomorrow.

40
41 (Laughter)

42
43 MR. CLARK: But I was really wondering if
44 that was something people were interested in doing?

45
46 MS. GARZA: What's it?

47
48 MR. CLARK: It's a tour at the.....
49

MR. ANDERSON: A walk in the Park.

00077

1 MR. CLARK:Park.

2
3 (Laughter)

4
5 MR. CLARK: And we've been trying to.....

6
7 MS. GARZA: I'd rather have a tour of
8 Middle Island Spa.

9
10 (Laughter)

11
12 MR. CLARK: It's just we need to let Staff
13 know if it's going to happen or not.

14
15 CHAIRMAN THOMAS: Okay. Anybody interested
16 in that, what is it, a tour?

17
18 MR. CLARK: Yeah.

19
20 CHAIRMAN THOMAS: Okay.

21
22 MR. CLARK: Judy, do you have some
23 specifics?

24
25 MS. GOTTLIEB: Mr. Chairman, thank you.
26 Sitka National Historic Park has a beautiful set of totem
27 poles and we would like and appreciate your presence, we
28 could walk through the Park and one of the staff will
29 explain the history and many of you could probably explain
30 the history to the others as well; we would appreciate
31 that. We had made arrangements with the Cultural Center
32 for today but we'll see if they might be available tomorrow
33 for you to see the artisans who work there and some of the
34 renovations that are going on as well, and everyone in the
35 room would be invited, too. So we would appreciate it, if
36 people are interested, we'd love to do that for you.

37
38 CHAIRMAN THOMAS: Thank you.

39
40 MR. ANDERSON: How about transportation.

41
42 CHAIRMAN THOMAS: Transportation? Has that
43 been arranged?

44
45 MR. CLARK: Mr. Chairman, we have a number
46 of different vehicles to take people back and forth.

47
48 CHAIRMAN THOMAS: Okay. Could I see a show
49 of hands of how many would be interested in going?

00078

1 MS. GARZA: Mr. Chairman, I think most of
2 us have been through the Park but I would love to see the
3 renovations as well as the artisans.

4
5 MS. PHILLIPS: Me, too.

6
7 MS. WILSON: Yeah.

8
9 CHAIRMAN THOMAS: Raise your hands. Raise
10 your hands.

11
12 MR. KOOKESH: I'll walk through the Park if
13 you walk through the Park.

14
15 CHAIRMAN THOMAS: Uh?

16
17 MS. GARZA: For Option B.

18
19 CHAIRMAN THOMAS: Uh?

20
21 MS. GARZA: For Option B.

22
23 CHAIRMAN THOMAS: No, there wasn't no
24 options, it's a package, it's a package deal.

25
26 (Laughter)

27
28 MR. KOOKESH: Lonnie and I will walk
29 through the Park if you walk through the Park with us.

30
31 CHAIRMAN THOMAS: Well, I guess nobody's
32 going then because they won't go unless I go.

33
34 (Laughter)

35
36 CHAIRMAN THOMAS: Fred.

37
38 MS. GARZA: We want to see the renovations.

39
40 MR. CLARK: How about an inside tour? An
41 inside tour is doable.

42
43 CHAIRMAN THOMAS: Inside tour, okay.

44
45 MS. GARZA: Okay.

46
47 MS. GOTTLIEB: We'll have to talk with the
48 Cultural Center to see if that's still okay.

49

CHAIRMAN THOMAS: Just tell them to expect

00079

1 a tour.

2

3 (Laughter)

4

5 CHAIRMAN THOMAS: John.

6

7 MR. LITTLEFIELD: Mr. Chair, now that that
8 may not be a conflict. The Gadjah-Heen dancers have asked
9 me to announce that they are having a fundraising dinner at
10 11:30 tomorrow at the ANB Hall, and I don't know if they're
11 going to be performing. The Gadjah-Heen dancers are the
12 young dance group of the 12th grade and under, and I assume
13 there will be a performance there.

14

15 CHAIRMAN THOMAS: Okay, thank you. Jack.

16

17 MR. LORRIGAN: John, 11:30 for lunch

18 or.....

19

20 MR. LITTLEFIELD: They have their own
21 lunch, it just came out.....

22

23 MR. LORRIGAN: They're also going to be at
24 our dinner tomorrow.

25

26 MR. LITTLEFIELD: That is correct.

27

28 CHAIRMAN THOMAS: Okay, we're in recess
29 until 8:30 tomorrow morning.

30

31 MR. CLARK: How about 8:00.

32

33 CHAIRMAN THOMAS: What's the reason for
34 8:00?

35

36 MR. CLARK: We've got a lot to do.

37

38 MR. ANDERSON: We got a lot done.

39

40 CHAIRMAN THOMAS: We got a lot done.

41

42 MS. GARZA: 8:00.

43

44 CHAIRMAN THOMAS: Tomorrow morning.

45

46 (PROCEEDINGS TO BE CONTINUED)

47

48

* * * * *

00080

C E R T I F I C A T E

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UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the
state of Alaska and reporter for Computer Matrix Court
Reporter, LLC, do hereby certify:

THAT the foregoing pages numbered 02 through 79 contain a
full, true and correct Transcript of the VOLUME I, SOUTHEAST
FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken
electronically by Salena Hile on the 22nd day of March 2001,
beginning at the hour of 1:00 o'clock p.m. at Westmark Shee
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THAT the transcript is a true and correct transcript
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DATED at Anchorage, Alaska, this 8th day of April 2001.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 4/17/04